

RECEIVED
OCT 23 1984
WATER RESOURCES DEPT
SALEM, OREGON

(690-9-77)

Application No. 63744

NOTICE OF BEGINNING OF CONSTRUCTION

Wayne Foster, the holder of Permit No. 47592

to appropriate the public waters of the state of Oregon, began the actual construction of the works described thereon on the February day of 5th, 1984.

Remarks: Installed 1.25 HP Pump, AND Electric Controls, Buried 300'x8" PVC
300'x6" PVC, 500'x5" PVC, 680'x4" PVC MAINLINE AND 1,240' LATERAL PVC WITH 306 RAINBIRD
SPRINKLERS 7/4" NOZZLES ON 10 1/2 ACRES

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of October, 1984.
Wayne Foster (Signature of Applicant) Box 114 LANGLOIS OR 97450 (Address)

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

SP*35567-690

OK
dub

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, April 1, 2024 3:28 PM
To: Ressler, Ted
Cc: BJORK Mary F * WRD
Subject: RE: Assignment question

Sounds good. Let me know if you run into any additional questions as you start working with the forms.

Mary

From: Ressler, Ted <tressler@summitwr.com>
Sent: Monday, April 1, 2024 3:25 PM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Assignment question

Got it. I think we have the approach squared away, so we shouldn't need to the call on Wednesday. Unless you feel differently, I will cancel our appointment.

Thanks
Ted

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, April 1, 2024 1:48 PM
To: Ressler, Ted <tressler@summitwr.com>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Assignment question

Hi Ted,

Because the permit holder of record is deceased and the assignments will be by proof, each property owner will need to submit their individual partial assignment by proof with a map identifying the portion being requested for assignment, and the necessary proof (*copy of death cert or obituary AND land ownership deed*).

Daniel is not a permit holder of record, so I'm not comfortable with the shortcut of him providing a letter of consent for the portion he owns to be assigned to Tony.

Regarding your question on two water rights included on a single assignment, the answer is no. If for multiple rights, a separate form and fee for each right will be required. For future reference, this is listed at the top of both assignment forms (regular and by proof).

Thanks,

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Ressler, Ted <tressler@summitwr.com>
Sent: Monday, April 1, 2024 11:54 AM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Assignment question

Hi Mary

Thanks for this! The highlighted option below is what I was considering as the option, but I didn't know if there was a way to wrap this all into a single assignment (e.g., Danny providing a letter of consent for the portion he owns to be assigned to Tony). If we have to do multiple assignments to achieve the goal, then that is fine.

Separate question. Can 2 water rights be included in a single assignment. For example, can the assignment of the portion of Permit R-8662 owned by Tony and Permit S-47592 (all on land owned by Tony) be listed on the same assignment? Or do we have to do one assignment per water right?

Thanks
Ted

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, April 1, 2024 11:43 AM
To: Ressler, Ted <tressler@summitwr.com>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Assignment question

Hi Ted,

I reviewed the information that you provided and can share the following points for discussion on Wednesday.

Both R-63735 & S-63744 are in the name of Wayne Foster. Since you mention that Wayne is deceased, any assignments will be by proof.

Assignments by proof require both proof that the record holder is not available (copy of death cert or obituary), AND land ownership (deed).

You mention that that there are multiple owners, then partial assignments would be in order. See breakdown below for tax lots (current per Coos CO Assessor & OrMap) that the reservoirs cover:

TL 1200 Daniel Arriola
TL 1201 Anthony & Stephanie Arriola
TL 900 Arriola Cranberry Co. LLC (per business registry owned by Tony. Understood to be Anthony for this review)

Please note that the middle reservoir appears to cover both TLS 1200 & 1201.

Your owner reference understood to be:

Owner A: TL 1200 Daniel Arriola

Owner B: TL 1201 Anthony & Stephanie Arriola & TL 900 Arriola Cranberry Co. LLC

Regardless of the secondary permit for the right to use the stored water, in which Owner B owns TL 1201 that covers the place of use, the assignment on the storage right is seen as a partial. Owner B can only do a partial assignment as they don't own all the property that the reservoirs cover. If they want only their name on the storage right, the only way to get there would be to apply for two partial assignments and a full assignment as follows:

Part assign by proof from Wayne to Daniel (Owner A)

Part assign by proof from Wayne to Tony (Owner B; Anthony, Stephanie & Arriola Cranberry)

Then Daniel could assign his interest to Tony.

Hope this helps. I'm still available to discuss on Wednesday and will accept your meeting request shortly.

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Ressler, Ted <tressler@summitwr.com>

Sent: Monday, April 1, 2024 10:59 AM

To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Subject: RE: Assignment question

Sounds good. I will send you a meeting invite.

Thank you!

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Sent: Monday, April 1, 2024 8:46 AM

To: Ressler, Ted <tressler@summitwr.com>

Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Subject: RE: Assignment question

Hi Ted,

I'm currently available Wednesday morning between 9 and 10. Should we shoot for 9:00?

Thanks,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895

From: Ressler, Ted <tressler@summitwr.com>

Sent: Monday, April 1, 2024 8:42 AM

To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Subject: RE: Assignment question

Hi Mary

Good morning. Yes, I can make that work. However, would you be available earlier in the morning by chance? I have an afternoon appointment that popped up since the time I sent the email.

The subject water right is Permit R-8662. I am currently working on the COBU for this permit, but wanted to take care of the assignment ahead of the submittal of the COBU (the permit is in the name of a prior land owner who is deceased). The crux of the issue is that Permit R-8662 authorizes storage of water in 3 reservoirs, where one of the reservoirs is located on land owned by Owner A and two of the reservoirs are located on land owned by Owner B. The associated secondary for use of all water stored under Permit R-8662 is associated with land owned by Owner B. Since the stored water is for use on land owned by Owner B, it seems like Permit R-8662 should be in the name of Owner B. However, the potential complication for the assignment is that Owner B doesn't own all of the property on which the 3 reservoirs are located.

We can discuss in more detail during our call, and I can pull up a map showing the location of property boundaries with respect to the water right.

Thanks
Ted

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, April 1, 2024 8:19 AM
To: Ressler, Ted <tressler@summitwr.com>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Assignment question

Hi Ted,

I'm currently available on those dates. Would 2:00 on Wednesday (4/3) work for you? If possible, please forward the water right that you are working on the assignment for prior to the meeting.

Thanks,

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Ressler, Ted <tressler@summitwr.com>
Sent: Friday, March 29, 2024 6:48 PM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: Assignment question

Hi Mary

I hope you are well. I have a question for you regarding an assignment request that I am preparing. I think a Teams call might be helpful in this case so that we can look at map together. Do you have some time next week for a Teams call to discuss?

I have pretty good availability on 4/3, 4/4, or 4/5.

Thanks
Ted

Theodore R. Ressler, RG, CWRE, PG
Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC
a Geo-Logic Company
4784 SE 17th Avenue, Suite 111, Portland, OR 97202
Office: 503-967-7050 | Mobile: 503.701.4535
tressler@summitwr.com

www.summitwr.com | www.geo-logic.com

The contents of this e-mail message, including any attachments, are for the sole use of the intended recipient named above. This email may contain confidential and/or legally privileged information. If you are not the intended recipient of this message, be advised that any dissemination, distribution, or use of the contents of this message is strictly prohibited. If you receive this message in error, please notify the sender by return e-mail and permanently delete all copies of the original e-mail and any attached documentation. Thank you.

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

90 47789 47789
47789 47789
47789

S 53003 S 53003
Croft Lake Ln S 53003

1000

46 ft

6813

S 46813

1100

S 47592 S 47592
R 8602
S 47592

1200

30S15W

G 10450 G 10450
G 10450

Croft Lake Ln

R 8662

S 7185 S 7185
S 51718

S 46813
S 46813

S 47592 S 47592

900

1201

R 8662 S 47592
S 47592 S 47592 G 10450
G 10450

G 10450
G 10450

47790

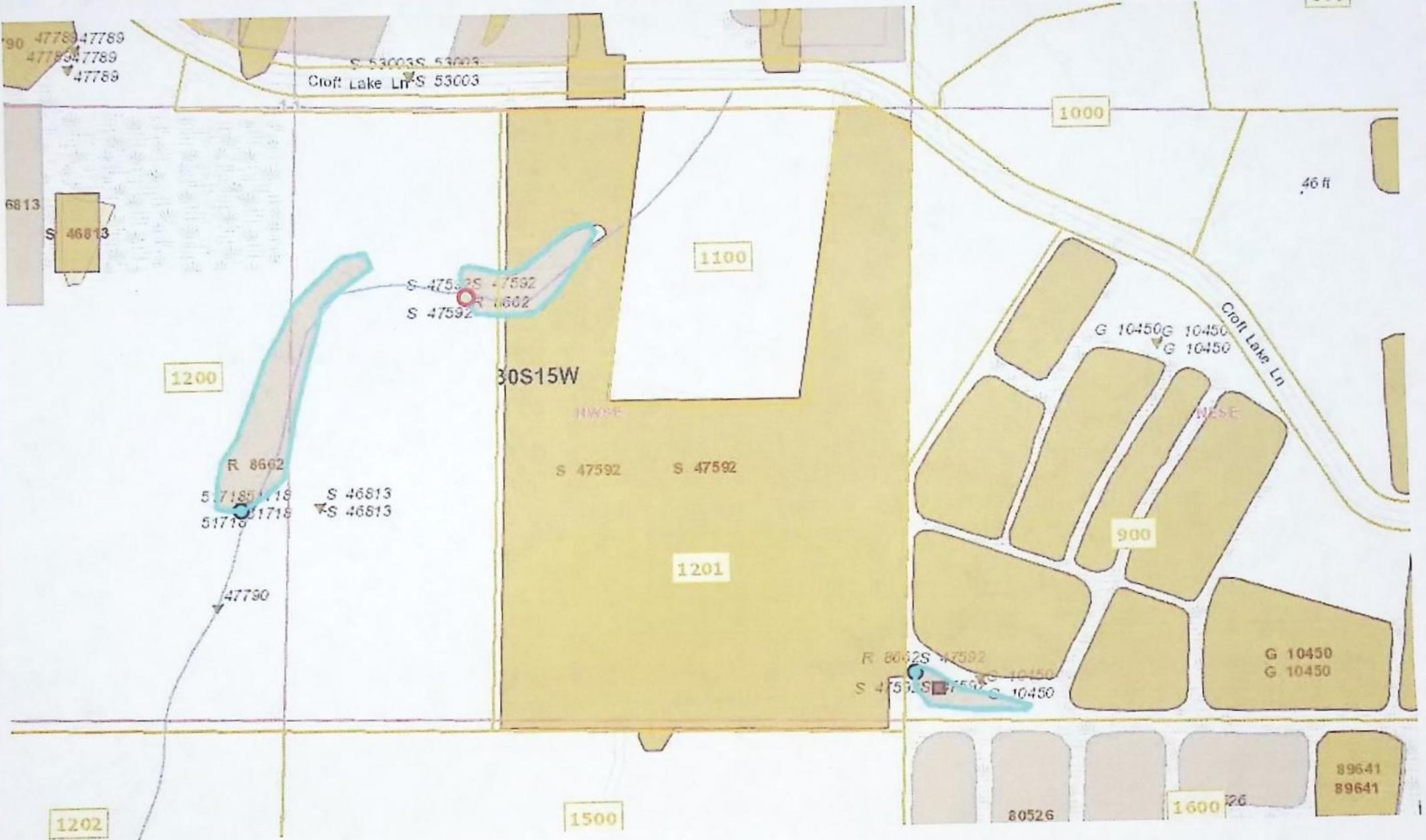
1202

1500

80526

1600

89641
89641



SECTION 11 T30S R15W W.M.
COOS COUNTY

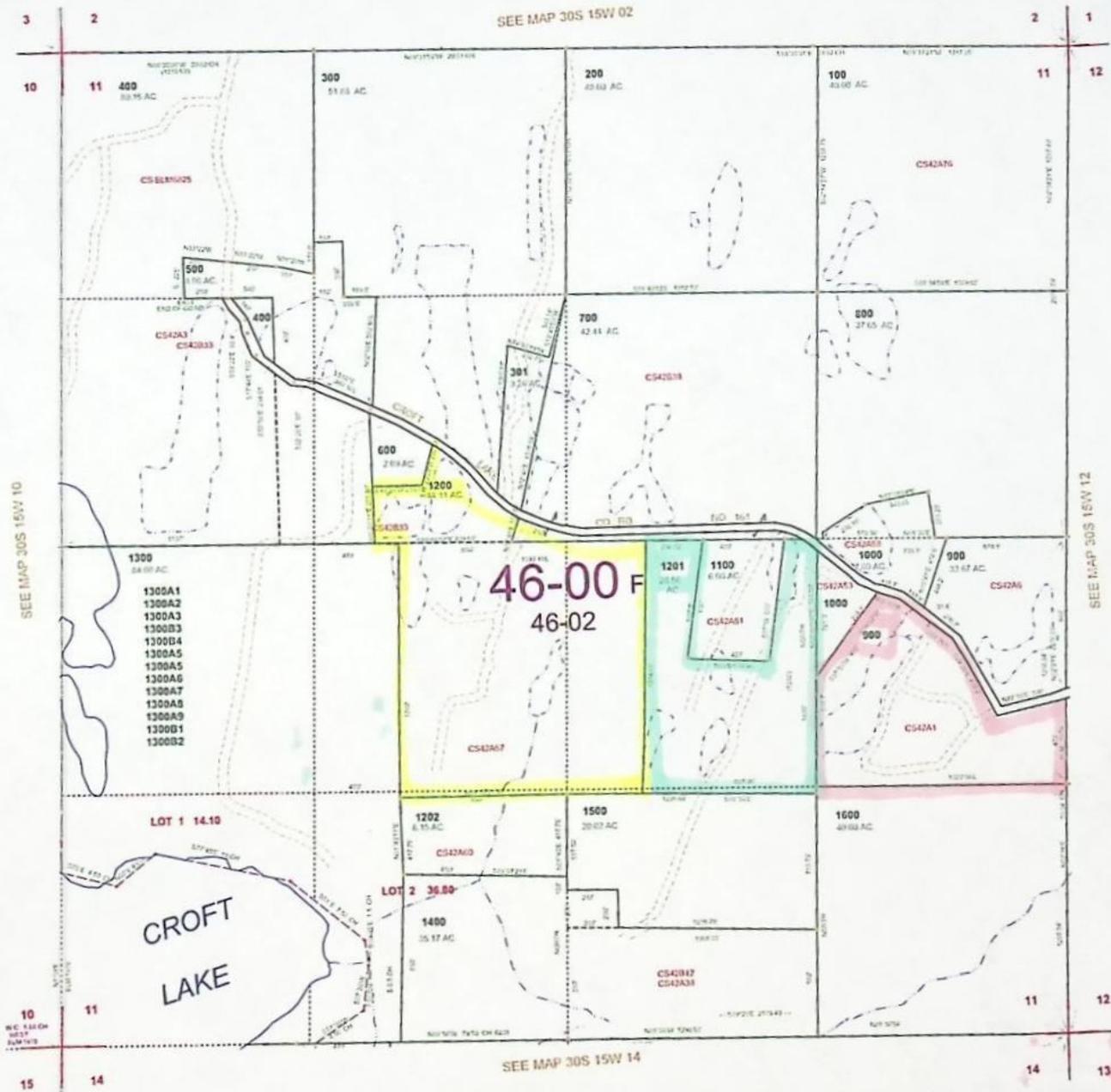
1" = 400'

30S 15W 11

CANCELLED NO.

300A1
801
1300A4
601

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



5-25-2006
30S 15W 11

**COOS COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

Account # 1364200
Map 30S151100 01200
Owner ARRIOLA, DANIEL J.
1178 4TH ST
BANDON OR 97411-1089

Name Type	Name	Ownership Type	Own Pct
OWNER	ARRIOLA, DANIEL J.	OWNER	100.00

OWNER(100%)
ARRIOLA, DANIEL J.

**COOS COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

Account # 1364201
Map 30S151100 01201
Owner ARRIOLA, ANTHONY K. & STEPHANIE J.
 53334 TATUM LYNN RD
 BANDON OR 97411-7258

Name Type	Name	Ownership Type	Own Pct
OWNER	ARRIOLA, ANTHONY K.	OWNER	100.00
OWNER	ARRIOLA, STEPHANIE J.	OWNER	100.00

OWNER(100%)
 TENANTS BY ENTIRETY
 HUSBAND
 ARRIOLA, ANTHONY K.
 WIFE
 ARRIOLA, STEPHANIE J.

**COOS COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

Account # 1363531
Map 30S151100 00900
Owner ARRIOLA CRANBERRY COMPANY, LLC
PO BOX 458
COQUILLE OR 97423-0458

Name Type	Name	Ownership Type	Own Pct
OWNER	ARRIOLA CRANBERRY COMPANY, LLC	OWNER	100.00

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, December 14, 2022 8:53 AM
To: BUCHHOLZ Sheila L * WRD
Subject: RE: Permit S-47592 (application S-63744) snap 48593

Sheila,

Thanks for the information. I took a look at it and agree that the points of diversion locations on the permit reflect the wrong range as you have indicated (the range should be 15 W). The place of use identifies the correct range.

I will place a copy of this message into the permit file.

Thanks and have a great day!

Gerry

Gerry Clark

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Wednesday, December 14, 2022 8:22 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: Permit S-47592 (application S-63744) snap 48593

Good Morning Gerry,

We are working on a bunch of legacy rights and while doing so I found this permit should be in range 15W, not 14W as written. I didn't know if maybe you would like to verify that and put a note in the file for when it goes to certificate?

Just passing the information along.

Thanks!

Sheila Buchholz

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

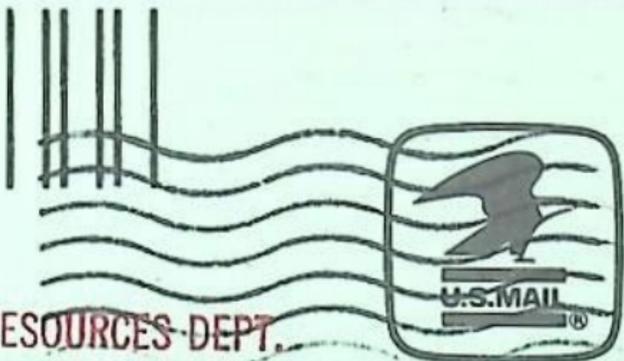
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



SALEM, OREGON
AUG 26 1981

WATER RESOURCES DEPT.
3850 PORTLAND ROAD N.E.
SALEM, OREGON 97310

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

AUG 21 1987

Wayne Foster
Box 114
Langlois, OR 97450

REFERENCE: File 63744

According to the terms of your Permit 47592, complete application of water was to have been made by October 1, 1986.

Complete application of water means the application of water to a beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of November 10, 1986.

Ors 537.360 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit"

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

If additional information is needed, please contact Ves Garner, Manager, Survey/Certificate Section.

1497B

CERTIFIED - RETURN RECEIPT REQUESTED

63744



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813
(message line)

June 29, 1982

Wayne Foster
Box 114
Langlois, OR 97450

Dear Mr. Foster:

We have received your three applications for permits to appropriate surface water and ground water. Unfortunately, the applications could not be processed because the check which covers the fees for these applications was not signed.

Your applications, as submitted, require the examination fee of \$40 each and permit recording fees based upon the use. For storage of water, the recording fee is \$20; for irrigation of 16.0 acres, the recording fee is \$26; for flood harvesting using 2.4 cubic feet of water per second, the recording fee is \$33; for temperature control, the recording fee is \$33. Total fees for all three applications are \$324. Please submit the required fees.

In Items 6 and 7 of your ground water application form (blue form), please list the amounts of water to be appropriated.

If you have any questions, you may contact this office or your local Watermaster, Gary Ball who is located in Roseburg. His telephone number is 440-4255.

Sincerely,

Chris L. Hughes
Senior Water Rights Examiner

CLH:tw
enclosures: three applications, data
and check

WAYNE FOSTER VELMA FOSTER BOX 114, 348-2351 LANGLOIS, OREGON 97450		1008
PAY TO THE ORDER OF Water Resources Department (Oregon)		June 24 1982 96-292 1232
Three hundred Three and 20/100-----		\$ 303.20
		DOLLARS
 BANDON, OREGON 97411		
FOR Croft Lake fees		628
⑈001008⑈ ⑆123202921⑆ 33 38108 9⑈		

September 29, 1983

Wayne Foster
Box 114
Langlois, OR 97450

R-63735 & 63744

R8662 & 47592



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

July 27, 1983

Wayne Foster
Box 114
Langlois, Oregon 97450

REFERENCE: Files Numbered R-63735, 63744, and G-10769

Dear Mr. Foster:

Thank you for returning Applications R-63735 and 63744, and the accompanying map, easement, and attachments.

All three applications are now in satisfactory form and will be considered for issuance of permits within sixty days.

Sincerely,

Chris L. Hughes
Senior Water Rights Examiner

CLH/jw

June 9, 1983

Wayne Foster
Box 114
Langlois, OR 97450

Dear Mr. Foster:

REFERENCE: Files R-63735, 63744 and G-10769

The affidavits which were received have now been processed and your applications have again been reviewed.

In your letter dated December 9, 1982, you made the statement that Reservoir 1 will be enlarged to hold 9.2 acre-feet. Since permits for 8.6 acre-feet have already been issued for this reservoir, the amount of storage still available is 0.6 acre-foot. Please amend Items 7 and 8 of the attachment for Application R-63735 and Item 5 of Application 63744 to list a total of 0.6 acre-foot to be stored and broken down to amounts to be stored for each use.

Since Reservoir 1 is not on your property, please submit a copy of your agreement with the owner allowing you to store and use the water from Reservoir 1.

I am returning Applications R-63735 and 63744 for correction and completion. The applications are endorsed and in order to retain their priority date, they must be received in this office on or before August 9, 1983. Application G-10769 will be held without action until Applications R-63735 and 63744 are received in proper form.

Sincerely,

CHRIS L. HUGHES
Senior Water Rights Examiner

CLH:awpc
enclosures

6856B

378-3066
or
1-800-452-7813
(message line)

April 1, 1983

Wayne Foster
PO Box 114
Langlois, OR 97450

Dear Mr. Foster

REFERENCE: Files R-63735, 63744, G-10769

We have not yet received the two affidavits, in satisfactory form, which will cancel those portions of Certificates 21453 and 50353 in conflict with your new applications.

Enclosed are the affidavits which, when signed and notarized, will cancel those portions of the existing rights in conflict with the new applications.

Your Applications R-63735, 63744, and G-10769 will again be reviewed when the affidavits are received in proper form.

Sincerely,

CHRIS L. HUGHES
Senior Water Rights Examiner

CLHwpc

5786B



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813
(message line)

January 27, 1983

Wayne Foster
PO Box 114
Langlois, Oregon 97450

Dear Mr. Foster:

REFERENCE: Files 22723, 52602, 63744

I am returning your affidavits authorizing cancellation of portions of the water rights evidenced by Certificates 21453 and 50353.

The affidavits must describe exactly the acreage to be canceled. If there is any possibility of error in interpretation, if any part of the water right described maybe on someone else's property, we cannot act on the cancellation.

Perhaps John Drolet can help you with a map showing the relationship of your property to the existing water rights, and aid in calculating acreages.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj

cc: John P. Drolet, Assistant Watermaster

378-3066
or
1-800-452-7813
(message line)

December 14, 1982

Wayne Foster
PO Box 114
Langlois, OR 97450

Dear Mr. Foster:

REFERENCE: Files R-63735, 63744 and G-10769

Thank you for returning Applications R-63735 and 63744, the maps and attachments.

Your Applications will be held without action for a reasonable period pending receipt of the affidavit which will cancel those portions of the existing right in conflict with your applications.

Sincerely,

CHRIS L. HUGHES
Senior Water Rights Examiner

CLH:wpc

4015B



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
or
1-800-452-7813
(message line)

October 12, 1982

Wayne Foster
PO Box 114
Landlois, OR 97450

Dear Mr. Foster:

REFERENCE: Files R-63735, 63744 and G-10769

Thank you for returning Applications R-63735, 63744 and G-10769, and the accompanying maps.

There are still problems with the applications and maps which must be corrected before the permits can be issued. I suggest that you take your applications, maps and this letter to John Drolet, Assistant Watermaster, in Coquille (phone: 396-5342).

As I stated in my last letter, Reservoir 1 appears to be fully appropriated with fillage for a total of 8.6 acre-feet. If you have again enlarged the reservoir beyond this, and wish to appropriate an additional 5.0 acre-feet, then please state that Reservoir 1 is to be enlarged in the remarks section of Application R-63735. Since the total capacity of the reservoir will now exceed 9.2 acre-feet, needed are plans and specifications for the dam and reservoir from a licensed civil engineer registered in the State of Oregon.

If the reservoir is not to be enlarged, then delete this reservoir from Application R-63735.

Please include the location of Sump/Reservoir 2 in Item 2 of Application 63744. Also, please include the quarter-quarter section location of the diversion points in Item 2 of Application 63744.

Under existing rights of record, the full duty of water has already been allowed for irrigation and flood harvesting for 3.02 acres in conflict with this application.

This is what can be allowed from live flow from unnamed Stream II:

Irrigation of 12.98 acres at one-fortieth equals 0.32 cubic feet of water per second.

Flood Harvesting of 12.98 acres equals 0.65 cubic feet of water per second.

Temperature Control of 16.0 acres equals 2.4 cubic feet of water per second.

Please amend Item 5 of Application 63744.

COPY

Wayne Foster
October 12, 1982
page two

The map accompanying your application must show the locations of the existing rights. Enclosed is a copy of the final proof survey for the previous rights with your land overlaid. Please amend your maps to show the existing rights of record in conflict with your application.

Item 3 of Application 63744 must be amended to state 12.98 acres of primary irrigation and flood harvesting from unnamed Stream 1. Supplemental irrigation and flood harvesting from unnamed Stream 3 may be 16.0 acres.

Point of Diversion 4, as measured on your map, is located 820 feet South and 100 feet West from the center of Section 11. This does not agree with the location as stated in Item 2 of the attachment to Application 63744. Please amend Item 2 and/or the map to correctly locate Point of Diversion 4.

A legal description of the property where the water is to be used is needed to verify the place of use. This can be copied from your deed, title insurance policy, or sales contract.

I am returning Applications R-63735 and 63744, and the maps and attachments for further corrections. Application G-10769 is in satisfactory form and will be considered for issuance of a permit when the other two applications are received in proper form. The application is endorsed so that in order to retain its priority date it must be received in this office on or before December 13, 1982.

Sincerely,

CHRIS L. HUGHES
Senior Water Rights Examiner

CLHwpc
enclosures
29738



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
1-800-452-7813
(message line)

August 10, 1982

Wayne Foster
Box 114
Langlois, OR 97450

Dear Mr. Foster:

Reference: Files R-63735, 63744 and G-10769

Your Applications R-63735 and 63744 describing the proposed use of 5.0 acre feet and 2.4 cubic feet per second of water from two unnamed streams and three reservoirs; together with the maps and legal description, have been reviewed.

Based on the information given in Item 9 of Application R-63735, the maximum amount of water Pond #3 will hold is 2.7 acre feet. Please amend Item 8 to state an amount of water to be stored which is less than 2.7 acre feet.

Please list the location of diversion pont #4 in Item 2 of Application 63744. Also, please list the quarter-quarter section and section locations of the diversion points in Item 2.

The points of diversions listed in Item 6 of Application 63744 do not correspond to the points of diversions listed for the dams on your maps. Please amend Item 6 to agree with your maps.

There are a number of existing rights of record which appear to be in conflict with your applications. Enclosed are copies of Certificates 21453, 50352 and 50353, and the accompanying map. These conflicts must all be resolved before permits can be issued in approval of your applications.

To resolve these conflicts, you must do one of the following:

- 1) Delete from your applications those portions in conflict with the existing rights. Reservoir #1 already has one certificate for 5.0 acre feet of water, and also a new application in the names of

Page Two
August 10, 1982
Files R-63735, 63744 and G-10769

James and Marion McBee for an additional 3.6 acre feet of water. Unless this reservoir has again been enlarged, this source should be deleted from your applications.

- 2) Cancel those portions of the existing rights of record in conflict with these applications.
- 3) Designate portions of these applications as supplemental from stored water only for those areas in conflict with the existing rights, and primary for those areas not in conflict with these rights.
- 4) Transfer the existing rights of record to another parcel of land.

Point of diversions #1 and #2, as measured on your maps, are located 400 feet South and 200 feet East and 400 feet South and 600 feet East respectively, both from the Center Quarter Corner, Section 11. This does not agree with the locations as listed in Item 2 of 63744 and G-10769. Please amend the applications to agree with the maps.

I am returning all three applications and the maps for correction and completion. The applications are endorsed and in order to retain their priority dates, they must be received in this office on or before October 11, 1982.

Sincerely,

Chris L. Hughes
Senior Water Rights Examiner

CLH:slm
Enclosures



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE

378-3066

OR

1-800-452-7813

(message line)

7-20-82

Wayne Foster
Box 114
Langlois, OR 97450

Dear Mr. Foster:

REFERENCE: Files 63744, G-10769 and R-63735

We have received your applications for use of water for irrigation, supplemental irrigation, supplemental temperature control, frost control and supplemental flood harvest purposes along with the supporting data and fees. Our Receipts 31756, 31757 and 31755 are enclosed. Your applications have been filed and assigned numbers 63744, G-10769 and R-63735.

Because of the many applications which have been filed in recent months, we are temporarily behind in our processing. Your applications will be examined in detail as soon as possible. We will contact you if we need any additional information. If permits are required to satisfy the conditions of a loan or land sale or if other emergency conditions exist, please let us know and we will attempt to process your applications in the shortest possible time.

After examining your applications, permits may be issued without further correspondence if no additional information is required and it does not conflict with existing rights. The proposed appropriation will be subject to the Water Policy Review Board's Basin Program Statements, existing minimum flows, and demands of prior rights during periods of low water.

Thank you for your patience.

Sincerely,

RALPH H. JACKSON
Supervisor, Application/Permit Section
Water Rights Division

RHJawpc
enclosures
0427A/2
1708B

COPY

To: WAYNE Overcash
FM: J.P. Drolet
Sub: WAYNE Foster
Cancellation & Application.

RECEIVED
MAR 25 1983
WATER RESOURCES DEPT.
SALEM, OREGON

82 2 2149

DEED

DORIS DONLEY GEORGE, JAMES C. McBEE and MARION M. McBEE, hereinafter know as the Grantors, do hereby sell, grant, and convey unto WAYNE FOSTER, hereinafter known as the Grantee, his heirs and assigns, all the following real property, with the tenements, hereditaments, and appurtenances, situated in the County of Coos, State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northeast corner of the NW 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence West along the quarter line 157 feet; thence South 7 degrees West 630 feet; thence West 420 feet; thence North 7 degrees East 630 feet to the quarter section line; thence West along the quarter section line 290.52 feet; thence South 01 degrees 43 minutes 11 seconds East 1,314.05 feet; thence South 88 degrees 55 minutes East 861.06 feet; thence North 02 degrees, 00 minutes 08 seconds East along the East line of said NW 1/4 of the SE 1/4 1,312.94 feet to the point of beginning.

SUBJECT TO:

- 1) Right of Way Easement, including the terms and provisions thereof, granted in deed to William H. Johnson et ux in Book 217, Page 285 and 286, Deed records of Coos County, Oregon.
- 2) Easement, including the terms and provisions thereof, granted to Ernest A. Storm, in instrument recorded October 18, 1973, Bearing Microfilm No. 73-10-92269, Records of Coos County, Oregon.

The true and actual consideration for this deed is \$40,000.00.

Send tax statements to: Wayne Foster
P.O. Box 114
Langlois, Oregon 97450

WITNESS our hands and seals this 29th day of April, 1982.

Doris Donley George
DORIS DONLEY GEORGE

James C. McBee
JAMES C. McBEE

Marion M. McBee
MARION M. McBEE

Application No. R-63735 & 63744

Permit No.

APR 29 1982

RECORDED BY
MARRY ANN WILSON, COUNTY CLERK

NATIONAL
REGISTRATION
SERVICE
MARCH 28 1982

6-1-9
29-F-9

RECEIVED
JUL 27 1933
WATER RESOURCES DEPT.

82 2 2153

EASEMENT

JAMES C. McBE and MARION N. McBE hereinafter known as the Grantors, grant and convey to WAYNE FOSTER, Grantee, his heirs and assigns the following:

1) The existing water rights to the following described land: Beginning at the Northeast corner of the NW 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence West along the quarter line 157 feet; thence South 7 degrees West 630 feet; thence West 420 feet; thence North 7 degrees East 630 feet to the quarter section line; thence West along the quarter section line 290.52 feet; thence South 01 degrees 43 minutes 11 seconds East 1,314.05 feet; thence South 88 degrees 55 minutes East 861.05 feet; thence North 02 degrees, 00 minutes 08 seconds East along the East line of said NW 1/4 of the SE 1/4 1,312.94 feet to the point of beginning.

2. Right to use and develop the existing pond on Abe's Creek located about 1,047 feet West and 390 feet South of the NE corner of the NW 1/4 of the SE 1/4 of Section 11, Township 30 South, Range 15, West of the Willamette Meridian, Coos County, Oregon. And the right to pump water from this pond so long as the water level does not fall below a minus 4 feet as marked at this time at the existing water level. A pump can be placed at or near the head of the pond to pump water to the land described in No. 1 above. The dam can be raised so long as it does not unreasonably flood any adjacent areas. The right to clean and maintain the pond of debris and mud. The right to enlarge the pond 10 feet on the easterly side only and to do so only once and to maintain an even or greater water depth in the enlarged area than in the original area during this construction operation. Limited to 3.1 acres as per State water right in No. 1 above.

3. The right to construct and maintain a dam at the head of the pond at a point approximately 100 feet easterly from the pump house on the upper end of the pond described in No. 1 above being a point where the pond is not more than 20 feet wide on the surface at this time. Also the right to construct and maintain a channel from this dam to the land described above. And the right to use the water from this new pond and channel.

4. The right to construct, use and maintain a pipe line or lines from the pump or pumps as described above to land described in No. 1 above. The right to construct, use and maintain an electric line to operate these pumps.

Easement -1

Application No. R-63735 & 63744
Permit No. 8062 47542

RECORDED BY
SUGER NATIONAL
INSURANCE CO.
6-569
Trust Branch

AT 2:57
COOS COUNTY CLERK
6756

82 2 2154

WITNESS our hands and seals this 29th day of April, 1902.

James C. McBee
JAMES C. McBEE
Marion H. McBee
MARION H. McBEE

STATE OF OREGON)
County of COOS) ss.

Personally appeared before me the above named James C. McBee and Marion H. McBee, husband and wife, and swore the foregoing instrument to be their voluntary act and deed.

Mary K. Beatty
Notary Public for Oregon
My commission expires: 4-12-06

WILLS RECORDING RETURN TO:
Wayne Foster
Box 114
Emplois, Or 97450

RECORDED BY
46-869
Coos County Branch

1756 82 2 2153 +224

State of Oregon)
County of Coos) 29th 1902

I hereby certify that the within instrument was filed for record in the Coos County Deed Records.

WITNESS my hand and seal of County affixed:

MARY ANN WILSON
Coos County Clerk

By *J. Leander* deputy

Return to *J. Leander*

Fee: 900

Easement -2

MA
conveys
Grantee
Indust

The sale
Herr
Count

The title
Dated
Mark

Notary
The
27
per:
Suz
per:
and

K
Notary
My o

After recd
Clink
Monro
Monro

Until a cert
sent to the
Same

1890

PVI

Property of Wayne Foster in Section 11 T. 30S R. 14W.

Beginning at the Northeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 11 T 30S R14W, Thence, West 157 feet, thence South 7 degrees West 630 feet, thence West 420 feet, thence North 7 degrees East 630 feet, thence West 290.52 feet, thence South 01 degrees 43 minutes 11 seconds East 1314.05 feet, thence South 88 degrees 55 minutes East 861.06 feet, the North 2 degrees 00 minutes 08 seconds East 1312.94 feet to point of beginning.

Note: This property probably extends into the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ about 22.7 feet.

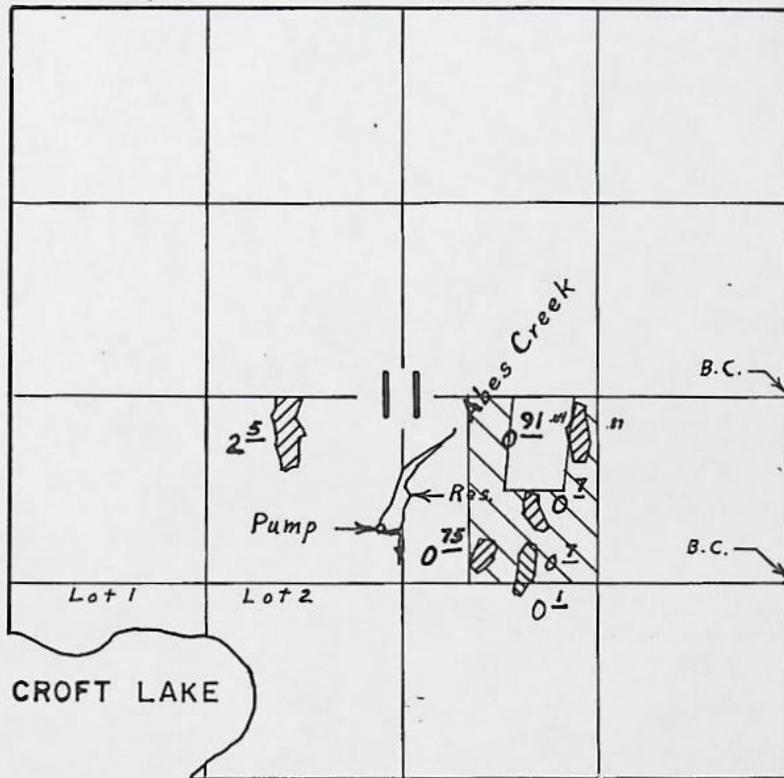
RECEIVED
DEC 10 1982
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. R-63735 & 63749
Permit No. R 0602

47592

T.30S. R.15W. W.M.

file
copy



1.8 Per = .02 cfs
4.76 Supp = 0.1212 cfs

Div. Pt. located 900'S. & 2670'W. from E. 1/4 Cor. Sec. 11

Supplemental Irrig. 
Primary Irrig. 

FINAL PROOF SURVEY UNDER

R-52601 R-6381
Application No. 52602 Permit No. 39820
IN NAME OF

James C. & Marion M. McBee

Surveyed Aug. 31, 1976, by L. E. Gould

2.4

	AC.	IRR. FROM ABIES CR.	FLOOD HARVESTING	TEMP. CONTROL
Cert 21453	2.32	0.05		
Cert 50350	5.00	0.75	15	
Cert 50352		5.0 AC FT		
Per. R-2453		3.6 AC FT		
Available Per 63744	12.98 (P)	.32 (12.98)	.65 (12.98)	2.4 (16 AC)
Available App R-63735		PROBABLY ZERO		

Description of land to be irrigated, etc.

Beginning at the Northeast corner of the NW 1/4 of the SE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; Thence West along the quarter line 157 feet; thence South 7 degrees West 630 feet; thence West 420 feet; thence North 7 degrees East 630 feet to the quarter section line; thence West along the quarter section line 290.52 feet; thence South 01 degrees 43 minutes 11 seconds East 1314.05 feet; thence South 88 degrees 55 minutes East 861.06 feet; then North 02 degrees 00 minutes 08 seconds East along the east line of said NW 1/4 of the SE 1/4 1312.94 feet to the point of beginning.---

Application No. 63744
Permit No. 47592

RECEIVED

JUN 2 1982

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUL 6 1982

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

COOS COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAMES OF ISAAC AND)
HARRY L. STORM)

ORDER

On April 26, 1983, Wayne Foster submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 21453, Volume 15, State Record of Water Right Certificates, in the names of Isaac and Harry L. Storm, and is for the use of not to exceed 0.025 cubic foot per second of water from an unnamed branch of Davis Creek, with a date of priority of December 19, 1947, for irrigation of 2.32 acres in NW 1/4 SE 1/4, Section 11, Township 30 South, Range 15 West, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 21453, Volume 15, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 23rd day of May, 1983.


JAMES E. SEXSON^{SR}
Director

6560B

AFFIDAVIT

STATE OF OREGON)
County of Coos)s.s.
)

I, Wayne Foster, of Box 114, Langlois, OR 97450, being duly sworn, depose and say that I am the legal owner of the following described lands:

Beginning at the Northeast corner of the NW 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence West along the quarter line 157 feet; thence South 7 degrees West 630 feet; thence West 420 feet; thence North 7 degrees East 630 feet to the quarter section line; thence West along the quarter section line 290.52 feet; thence South 01 degrees 43 minutes 11 seconds East 1,314.05 feet; thence South 88 degrees 55 minutes East 861.06 feet; thence North 02 degrees, 00 minutes 08 seconds East along the East line of said NW 1/4 of the SE 1/4 1,312.94 feet to the point of beginning.

and the water right appurtenant thereto, which is for the appropriation of 0.15 cubic foot per second of water from Abes Creek and reservoir constructed under Permit R-6381, a tributary of Croft Lake; being 0.08 cubic foot per second of water for irrigation of 0.70 acre and supplemental irrigation of 2.32 acres, and 0.15 cubic foot per second of water for flood harvesting of 3.02 acres, all within the NW 1/4 SE 1/4 of Section 11, Township 30 South, Range 15 West, WM, as evidenced by Certificate of Water Right 50353, State Record of Water Right Certificates, in the names of James C. and Marion M. McBee; under a priority date of November 25, 1974, that I have abandoned that portion of Certificate of Water Right 50353, and request that portion of the right to be cancelled.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 1983.

Wayne Foster

Subscribed and sworn to before me this _____ day of _____, 1983.

Notary Public for Oregon

My Commission Expires:

T30S R15W
NW 1/4 SE 1/4

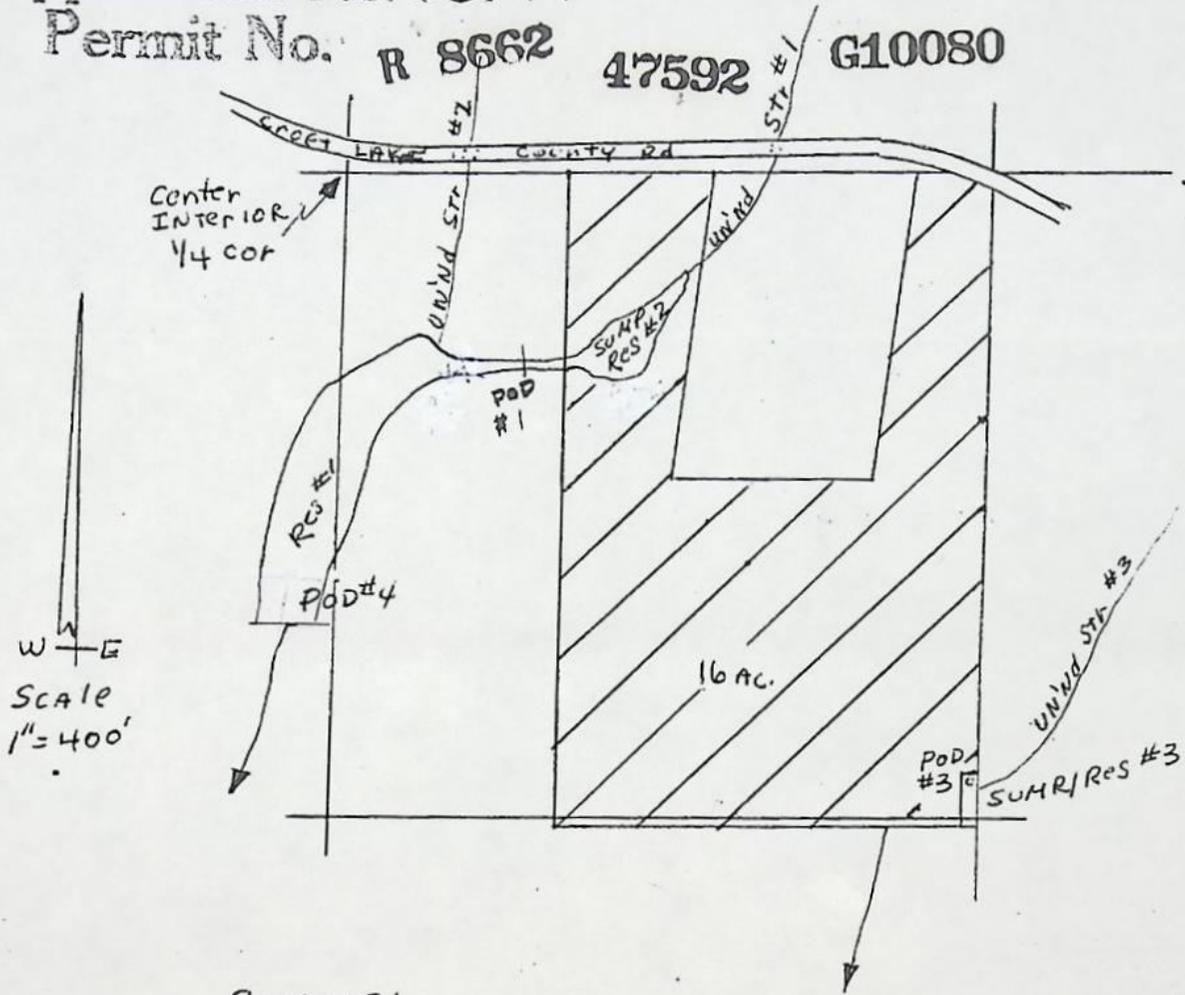
RECEIVED

JUL 6 1982

WATER RESOURCES DEPT
SALEM, OREGON

Application No. R-63735, Sec 11
63744 and G-10769

Permit No. R 8662 47592 G10080



Sources:

POD #1 400'S 380'E FM Interior 1/4 Corner direct flow & stored water

POD #3 1280'S 1300'E " " direct flow, stored water, ground water

POD #4 920'S 100'W " " direct flow, stored water

USES:

Primary Chanberry Irrigation, temperature Control And Flood Harvest from direct flow, From unind Str #1. Supp irrigation, Supp temperature Control, Supp Flood Harvest From All other Sources.

RECEIVED

DEC 10 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN 28 1982

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

OCT 6 1982

WATER RESOURCES DEPT.
SALEM, OREGON

By WAYNE Foster

RECEIVED

JUL 6 1982

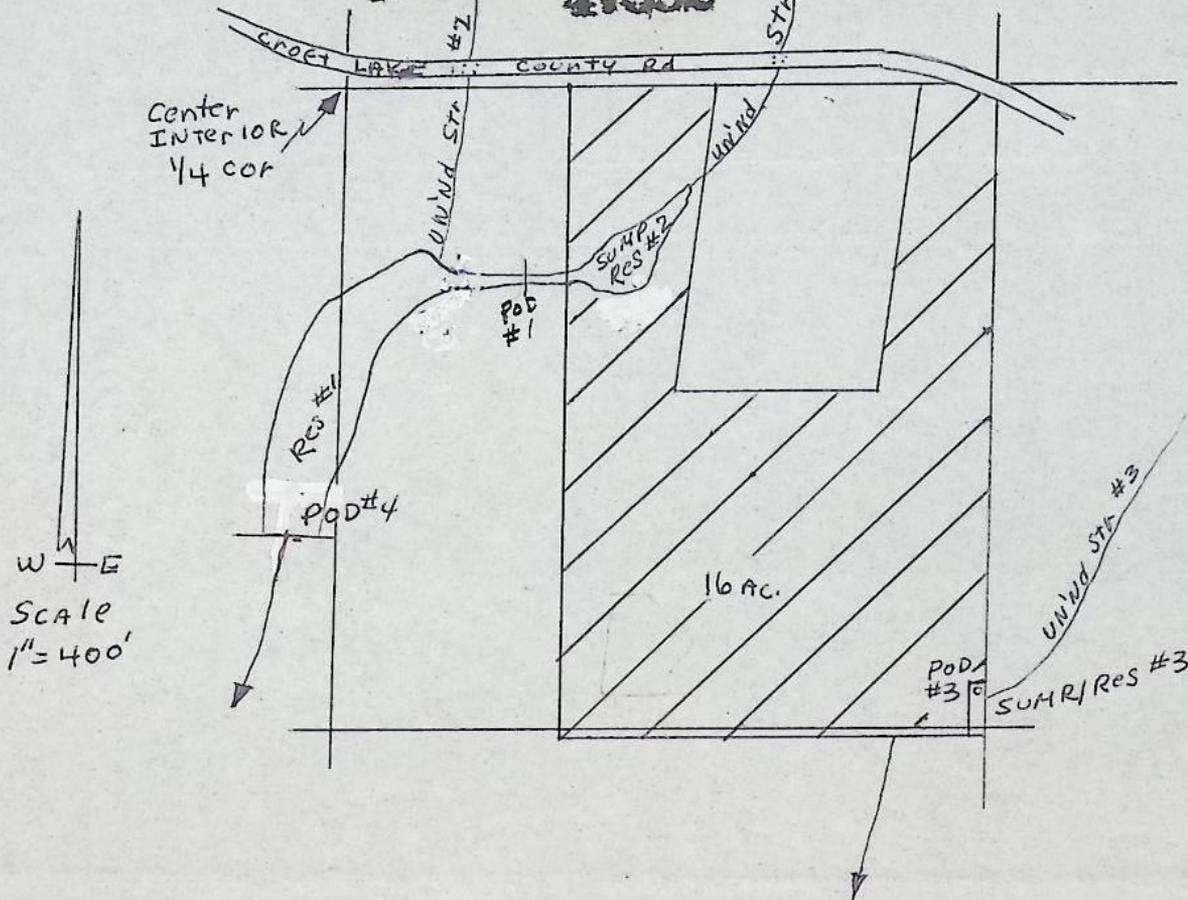
WATER RESOURCES DEPT
SALEM, OREGON

T30S R15W
NW 1/4 SE 1/4

R-63735, Sec 11

Application No. 63744 and G-10769

Permit No. R 8662 47592 G10080



SOURCES:

POD #1 400'S 380'E FM Interior 1/4 Corner direct flow & stored water

POD #2 400'S 300'E " " direct flow, stored water, ground water

POD #3 1280'S 1300'E " " direct flow, stored water, ground water

POD #4 920'S 100'W " " direct flow, stored water

USES:

PRIMARY Cranberry Irrigation, temperature Control AND Flood Harvest from direct flow, From wind Str #1. Supp Irrigation, Supp temperature Control, Supp Flood Harvest From All other Sources.

RECEIVED

DEC 10 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN 28 1982

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

OCT 6 1982

WATER RESOURCES DEPT.
SALEM, OREGON

By WAYNE Foster

Sub

Rev R-63735

7-6-82 **JRVEY REGARDLESS**

Application No.

63744

Permit No.

47592

Name Wayne Foster

Address Box 114, Langlois, OR 97450

Assigned

Address

Beginning construction AUG 25 1984

Completion of construction OCT 1 1985

Extended to

Complete application of water OCT 1 1986

Extended to

Form 111

Sub

P

7-7-82

Application No.

63747

Permit No.

47513

Name John M., Marion M., and James E. Schuster

Address 4476 SW Washouga Avenue, Portland, OR 97201

Assigned

Address

Beginning construction JUL 15 1984

Completion of construction OCT 1 1985

Extended to

Complete application of water OCT 1 1986

Extended to

Form 111

Application No. 63744

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED

JUN 28 1982

WATER RESOURCES DEPT
SALEM, OREGON

I, Wayne Foster
(Name of Applicant)

of Box 114 Langlois
(Mailing Address) (City)

State of Oregon, 97450 Phone No. 348-2351
(Zip Code) do hereby

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

1. The source of the proposed appropriation is Un'nd Str # 1 and Un'nd Str # 3
Stored water from RES # 1 (R-6381) and two sump/reservoirs to
be constructed, a tributary of Croft Lake

MISS
ME 500

2. The point of diversion is to be located see remarks ft. and ft.
(N. or S.) (E. or W.)
from the corner of
(Public Land Survey Corner)

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

..... being within the 1/4 of the 1/4 of
Sec. 11 Tp. 30S R. 15W, W. M., in the county of COOS
(N. or S.) (E. or W.)

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

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
30S	15W	11	NW 1/4 SE 1/4	Cranberry irr, 16 Ac Temp control* Flood harvest

* Temperature control includes both frost and heat protection uses.

4. The amount of water which the applicant intends to apply to beneficial use is

cubic feet per second... from Un'nd Str # 1 with any deficiency in supply to to supplemented from Un'nd Str # 1 and water stored from Res # 1 and Sump/Res # 2 and Sump/Res # 3

5. The use to which the water is to be applied is ...Cranberry Irrigation (0.40 CFS) Temp control (2.4 cfs), fleas harvest (2.4 cfs) with deficiency to be supplemented by stored water from Res# 1, Sump/Res # 2 and Sump/Res # 3 The stored water will be used as follows: Res # 1, 3 AF Supp Irr, 3 AF supp temp control. Sump/res # 2, 3 Af supp irr, 1.3 AF supp temp control. Sump/res # 3, 2 AF supp irr, 0.75 AF Supp temp control.

DESCRIPTION OF WORKS

6. 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.

POD #4 Earthfilled dam (see file # R-52601) one 3 HP pump to transfer water to sump/res # 2.

POD # 1 Earthfill dam across channel 9.9' deep, 20' wide on top with 2/1 slope on front, 3/1 slope on back, with 18" CMP buried 3.0' to bottom of pipe and Spillway 8' wide on top 0.0' wide on bottom and 2.5' deep, Surface to be rocked to prevent erosion. Two 25 HP pumps with sprinkler irrigation.

POD # 3 Sump to be dug below present ground level, no dam is to be constructed. one 3 HP pump to transfer water to sump/res # 2.

If for domestic use state number of families to be supplied N/A

7. Construction work will begin on or before May 14 1983

8. Construction work will be completed on or before May 14 1984

9. The water will be completely applied to the proposed use on or before Oct 1, 1985

Sump/Res#2

Remarks: Item # 2: POD #1, 400' S, 380' E from interior $\frac{1}{2}$ cor Sec 11 ^{NW $\frac{1}{4}$ of SE $\frac{1}{4}$}

POD # 4 920' S 100' W from interior $\frac{1}{2}$ Corner Sec 11 NE $\frac{1}{4}$ of SW $\frac{1}{4}$

POD # 3 1280' S 1300' E from interior $\frac{1}{2}$ corner Sec 11 NW $\frac{1}{4}$ of SE $\frac{1}{4}$

All in T 30S, R 15 WWM

Item # 4 By using 2.4 cfs to flood harvest instead of 0.8 cfs, pumping time will be shortened, thereby decreasing the time that water is on the bog, lessening seepage and ground penetration so that in the long run less water will be used

Wayne Foster
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 correction and completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before ~~October 11~~ August 9, 1982, ~~December 13, 1982~~

WITNESS my hand this ~~10th~~ 9th day of ~~October~~ June, 1983
~~12th day of October, 1982~~

James E. Sexson Water Resources Director

By Chris L. Hughes
Chris L. Hughes

RECEIVED

JUL 6 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 6 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

DEC 10 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUL 27 1982

WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

6th day of July, 1982, at 8:15 o'clock
A.M.

Application No. 63744

Permit No.

Application No. 63744

Permit No.

PC

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 2.4 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 two un. streams and

one res. cons. water (Per R-6381) and to be enlarged under App R-63735; Per R-63735; Per R-63735; being 2.4 cfs from un. str #1 with

The use to which this water is to be applied is irrigation and temp. control of strawberries being 0.4 cfs for irr., 0.8 cfs for flood harvest, and 2.4 cfs for temp. control, provided the total diverted shall not exceed 2.4 cfs

If for irrigation, this appropriation shall be limited to un of one cubic foot per second or its equivalent for each acre irrigated 3 from direct flow sto. from res to be const. under Permit R

in the supply of water from un. str. #1 from
* any deficiency to be supplied by diversion from
the total diverted shall not exceed 2.4 cfs

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 July 6, 1982

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.....

RHA