

11-21-88

RECEIVED

NOV 23 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

reference: Harold & Jennifer Cleeton  
Application - 67336  
permit - 48406

Mr. Applegate,

We understand that in order to start the appeals process against the Sprague, Jenkins permit we need to receive our final certificate. If that is correct I would like to approve our proposed certificate and receive our final certificate.

I also understand that your surveyors made some corrections on footage. As long as it is understood that we have filed on the old school house system.

We also want to be notified as soon as the (Sprague, Jenkins) final certificate is issued so we can start the appeals process right away.

The reference numbers on Sprague Jenkins  
Application; 55205  
permit; 41466

Please send a notice as soon as this certificate is issued.

Thank you

Harold & Jennifer Cleeton

- Please send copy to file in COOS county. \*

STATE OF OREGON

COUNTY OF COOS

PROPOSED CERTIFICATE OF WATER RIGHT

HAROLD D. AND JENNIFER CLEETON,  
of ROUTE 2, BOX 610, BANDON, OREGON 97411, has a right to the use of  
the waters of TWO SPRINGS, a tributary of BEAR CREEK, for the purpose  
of DOMESTIC USE FOR TWO FAMILIES INCLUDING THE IRRIGATION OF NOT TO  
EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FOR EACH FAMILY.

The right has been perfected under Permit 48406. The date of priority  
is OCTOBER 3, 1983, FOR 0.01 CFS; BEING 0.005 CFS FROM EACH SPRING AND  
FEBRUARY 9, 1984, FOR 0.01 CFS, BEING 0.005 CFS FROM EACH SPRING. The  
right is limited to not more than 0.02 CUBIC FOOT PER SECOND; BEING  
0.01 CFS FROM EACH SPRING, or its equivalent in case of rotation,  
measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 NE 1/4, SE 1/4 NE 1/4, SECTION 27, T 28 S,  
R 14 W, W.M.; 2125 FEET SOUTH & 1250 FEET EAST; 2050 FEET SOUTH & 1540  
FEET EAST; BOTH FROM N1/4 CORNER SECTION 27.

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

A description of the place of use under the right, and to which such  
right is appurtenant, is as follows:

SW 1/4 NE 1/4  
SECTION 27  
TOWNSHIP 28 SOUTH, RANGE 14 WEST, W.M.

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 right  
is subject to minimum flows established by the Water Resources  
Commission with an effective date prior to this right.

67336.VG

# Abstract of Permit

This is to certify that I have examined APPLICATION 67336 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Harold D. Cleeton and Jennifer Cleeton of Route 2, Box 610, Bear Creek Road, Bandon, Oregon 97411, phone 347-3974, for the use of the waters of two springs, for the PURPOSE of domestic use for two families including the irrigation of not to exceed one-half acre lawn and noncommercial garden for each

that the PRIORITY OF THE RIGHT dates from October 3, 1983 for 0.01 cubic foot per second and February 9, 1984 for 0.01 cfs

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.02 cfs

*9/15/85*

The POINT OF DIVERSION is to be LOCATED: Diversion 1 - <sup>1975 SOUTH 1525 EAST</sup>~~490~~ feet North and ~~1130~~ feet West from the ~~E~~ <sup>N</sup> 1/4 Corner of Section 27, being within the SE 1/4 NE 1/4 of Section 27; Diversion 2 - <sup>2150 SOUTH 1275 EAST</sup>~~320~~ feet North and ~~1565~~ feet West from the ~~E~~ <sup>N</sup> 1/4 Corner of Section 27, being within the SW 1/4 NE 1/4 of Section 27, Township 28 South, Range 14 West, WM, in the County of Coos.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 28 South, Range 14 West, WM Section 27 ~~Section 27~~ SW 1/4 NE 1/4 Domestic use for two families including the irrigation of not to exceed one-half acre lawn and non-commercial garden for each

Actual construction work shall begin on or before May 7, 1985 , and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 86 .

Complete application of the water to the proposed use shall be made on or before October 1, 19 87 .

Witness my hand this 7th day of May , 19 84 .

\_\_\_\_\_  
WATER RESOURCES DIRECTOR

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.

APPLICATION 67336

*NCR*

PERMIT

**48406**

INFO: MET W/ MRS. CLEETON. THEY UTILIZE TWO UNNAMED SPRINGS. SPRING #1 FLOWS TO A STORAGE TANK AND DOWN TO RESIDENCE. SPRING #2 FLOWS FROM 3 SETTLING TANKS AND DOWN TO RESIDENCE. (SPRING #2 WAS BARELY FLOWING)

SOURCE: UNNAMED SPRING #1 FOR DOMESTIC  
UNNAMED SPRING #2 FOR DOMESTIC

DIV. PT: SPRING #1  
2-24" ~~DIAMETER~~ CONCRETE RINGS ONE ON TOP OF OTHER 4 FT. HIGH TOTAL  
20 FT - 2" PVC DRIVEN INTO SPRING AREA. FROM SPRING TO SETTLING TANK  
SPRING #2  
20 FT - 4" PVC DRIVEN INTO SPRING AREA TO 2 - 4' HIGH 24" DIAM. SETTLING GALLON STORAGE TANK

PIPE: SPRING #1  
4" PVC DRIVEN INTO HILLSIDE FROM SPRING  
200 FT. 3/4" B. PLASTIC FROM SETTLING TANK → STORAGE TANK  
400 FT. 3/4" B. PLASTIC FROM STORAGE TANK TO RESIDENCES

SPRING #2  
850 FT. 3/4" B. PLASTIC FROM STORAGE TANK TO RESIDENCES

RES. #1

6 HOSE BIBBS  
300 FT. GARDEN HOSE  
3 RAINBIRD ROTATING SPRINKLERS

RES. #2

2 HOSE BIBBS

MAX SPRINKLERS: 3

USES: DOMESTIC FOR 2 RESIDENCES, IRRIGATION OF FRUIT TREES IN NEW ORCHARD, IRRIGATION OF BACKYARD LAWN, VEGETABLE GARDEN AND FLOWERS.

HEAD: 46 PSI ~~AT RES.~~ (MEASURED AT HOSE BIBB)  
100 FT. L FROM QUAD

TIE: PHOTO 4111-180-12A

MON: S27/S27 BC  
S33/S34

Mike Schmude WRE  
10/24/85

### FLOW CALCULATIONS

SPRING #1

MANNING'S EQ.

$$Q = \left( \frac{1.49}{n} \right) A R^{2/3} S^{1/2}$$

$$= (1.49) (0.00153) (0.06241) (160/400)^{1/2}$$

$$= 0.009 \text{ CFS (MAX FLOW)}$$

FOR 3/4" B. PLASTIC W/  $n=0.01$   
FLOWING HALF FULL

SPRING #2

MANNING'S EQ

$$Q = \left( \frac{1.49}{n} \right) (0.00153) (0.06241) (160/850)^{1/2}$$

$$Q = (1.49) (0.00153) (0.06241) (0.43386)$$

$$= 0.006 \text{ CFS (MAX FLOW)}$$

FOR 3/4" B. PLASTIC W/  $n=0.01$  FLOWING  
1/2 FULL

$$\text{TOTAL} = 0.009 + 0.006 = 0.015$$

SCHEDULE A

Amount \$ 6,500.00

Date May 22, 1973

8:34

AD8:00XXXRX

INSURED

-----HAROLD D. CLEETON, JR. and JENNIFER K. CLEETON-----

The estate or interest referred to herein is, at the date hereof, vested in

-----FRANK G. HANSEN, JR., RAMONA HANSEN and CATHERINE HANSEN, not as tenants in common but with the right of survivorship.-----

The land referred to in this policy is described as

That portion of the South 530 feet of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 27, Township 28 South of Range 14 West of the Willamette Meridian, Coos County, Oregon, lying East of Bear Creek County Road.-----

Application No. 67336  
Permit No. 48406

RECEIVED  
SEP 20 1983  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
OCT 3 1983  
WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

JUN 14 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

DATE:

June 13, 1988

TO: Steve Applegate  
Sen. WR Examiner

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

SUBJECT: Bear Creek School Spring

You will find attached a copy of a letter sent from this office to individuals interested in the Bear Creek school spring and a copy of a chronology of events regarding water use from the spring area prepared by one of the water users, Mrs. Cleeton.

There are few new developments since our Salem meeting; I am still awaiting a response from Bob Sprague to my letter of inquiry regarding the inconsistencies between some of his verbal testimony and correspondence in our files, and an assignment form has been mailed to Sheila Jenkins so that the transfer of the Sprague permit may be recorded.

We are all waiting with baited breath for your review of the files and surveys so that this situation may finally be reconciled.

atch: ltr to water users  
Cleeton's chronology

cc: Bud Bartels

11983 28/14/27  
17957  
34082  
55205  
61511  
65584  
67336



## Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121  
EXT. 254

June 10, 1988

Dear

Reference is made to conversations past and recent concerning water use from the old Bear Creek school spring and associated water developments. Documentation available to me has been somewhat unclear regarding the authorized source(s) of water for the several water use permits involved. For that reason, I took the opportunity to travel to the office of the Water Resources Department in Salem on May 31 with the hope of getting these uncertainties and inconsistencies reconciled.

The situation has been taken under advisement by the water rights section of the Department with a commitment to make a determination on the individual permits as soon as possible. I hope that that will be within two weeks to a month.

Until certain determinations are made in Salem, I am unable to answer many of the questions which have recently been asked. Directly upon receiving the results of the Department's determinations, I shall convey those results to you.

Sincerely,

John P. Drolet  
Watermaster, District XIX

JPD/jp

A copy of this letter mailed to  
Cleeton  
Mitchell  
Lawrence  
Jenkins  
Appleton (Owens)

Bear Creek Water Community  
Members Cleeton and Mitchell  
5/11/88

Mr. Drolet, Watermaster  
1006 County Courthouse Annex  
Coquille, OR

Dear Mr. Drolet,

Enclosed are three documents:

1. A map showing the two water systems and their relationships to each other with notations of how they have been connected or disconnected and where the service lines originate.
2. A chronology of events leading up to the present state of affairs in regard to the water community.
3. What we understood from studying the files at the Water Board in Salem in regard to the various permits filed by past and present water community members and which basically supports what we knew to be the case.

By now you are somewhat familiar with the systems and people involved. We have done this research and compilation in an effort to end the confusion about rights and permits and depend on you to make a fair finding, taking into account facts apparently not known by you previously. The water community is all but unable to function as it stands. Neither system is adequate to all households and their needs. False accusations of water theft or unfair manipulation have been made and relationships are no longer workable among various members of the water community. We hope you will be able to help the entire water community find a fair and agreeable solution to the problems now in evidence and anticipated in the future.

Sincerely,

Jennifer Cleeton and Samba Mitchell

*Jennifer Cleeton Samba Mitchell*



Water-related events by year

1977

Schoolhouse system now was inadequate to maintain all families. The situation was discussed and certain parties decided to build a block tank to hold water being collected from runoff from several springs. Longanecker suggested applying for permits on the concrete block system. Cleetons said they were concerned over the appropriateness of constructing a new system on the private property of a party unconcerned with the water. They continued using schoolhouse system and made repairs on it. Cleetons also built their own back-up water system on their own property, exclusive to them.

Sprague and Longanecker stated they had applied for permits on the block system and wanted the entire water community to make the same application. Cleetons and Mitchell stated their applications would be on the schoolhouse system. Longanecker threatened lawsuit unless all parties filed on block tank with the intent to keep the water community in common agreement for purposes of rights and easements.

Construction of the block tank was completed near the end of March 1977 and families north of Cleetons used water from that tank which included the overflow from the schoolhouse system. Mitchell intended to eventually lay new pipe from the schoolhouse system to his dwelling, but events precluded this until now. At this time there were no ill feelings and Cleeton was comfortable with the overflow situation due to lack of drought. This situation prevailed for several years.

Mitchell  
Loco  
Sprague  
(Mortgage)

1979

Longanecker moved to new dwelling. Transfer of permit not found

1980

Schoolhouse burned and application was not switched to remaining (now Jenkins) dwelling

1981

Longanecker's file in Salem indicates a 1981 file date which we are unclear about.

~~1982~~ perhaps

Sprague property sold to Jenkins. No transfer of permit found

It was discovered that Gladys Philpott sold the property where the systems are located to Coos Head Timber Co.

Cleeton and Mitchell file for permits on schoolhouse system. Coos Head (Mr. Groben and Tom Hurt) granted verbal easement to Cleeton. Longanecker wanted to sell and had problems without written easement. Approached Coos Head aggressively and they gave him no easement. Longanecker hired an attorney and drew up an easement agreement which was unsatisfactory to other water members and never went into effect. Longanecker threatened

to the Mitchell and Cleeton for easement. This was the event which began a period of mistrust and hot feeling among water members.

The block system was continually in need of repair and Cleeton tired of being responsible for repairs since he wasn't using it. So he took the overflow pipe from the schoolhouse system and hooked it to the common line temporarily until Longanecker and Sprague could make repairs themselves. Sprague and Mitchell were working away from home and Longanecker suggested health problems preventing him from working on the system.

1984

About this time Longanecker moved away and made his primary home in Fortland, making 2-3 visits a year to his Bear Creek property until its sale in 1988.

1985-86

Systems performing adequately as described due to absence of Mitchell and Longanecker as full-time residents although Mitchell had occasional tenants.

1986

Sandra Mitchell took occupancy of Mitchell property in August. A few repairs were made to the common line which broke in several places. No major problems occurred.

1987

Drought occurred in late spring until late fall. Jenkins, Mitchell and Cleeton were the only users of the systems. Cleeton and Mitchells frequently ran out of water entirely and approached Jenkins with inquiries about use and information about the severely diminished flow. Jenkins denied excessive use although several parties witnessed frequent irrigation of lawn and garden and compost piles. She was under the impression that the water was hers exclusively and made no particular attempt to conserve water in the interest of the rest of the community for some period. Cleeton and Mitchells to locate any leaks and found 3: one near the systems, one at Longanecker's and one above the Tigard residence. After making repairs, the outflow from the tank was still more rapid than input. Eventually water hours were agreed upon by all parties and were in effect until late November when the rains began and the flow recovered.

Although Sprague informed Cleeton that Jenkins had domestic use only in terms of his filed permit, no attempt was made to call the Water Master by Cleeton or Mitchell in hope that the situation could be handled among the water members.

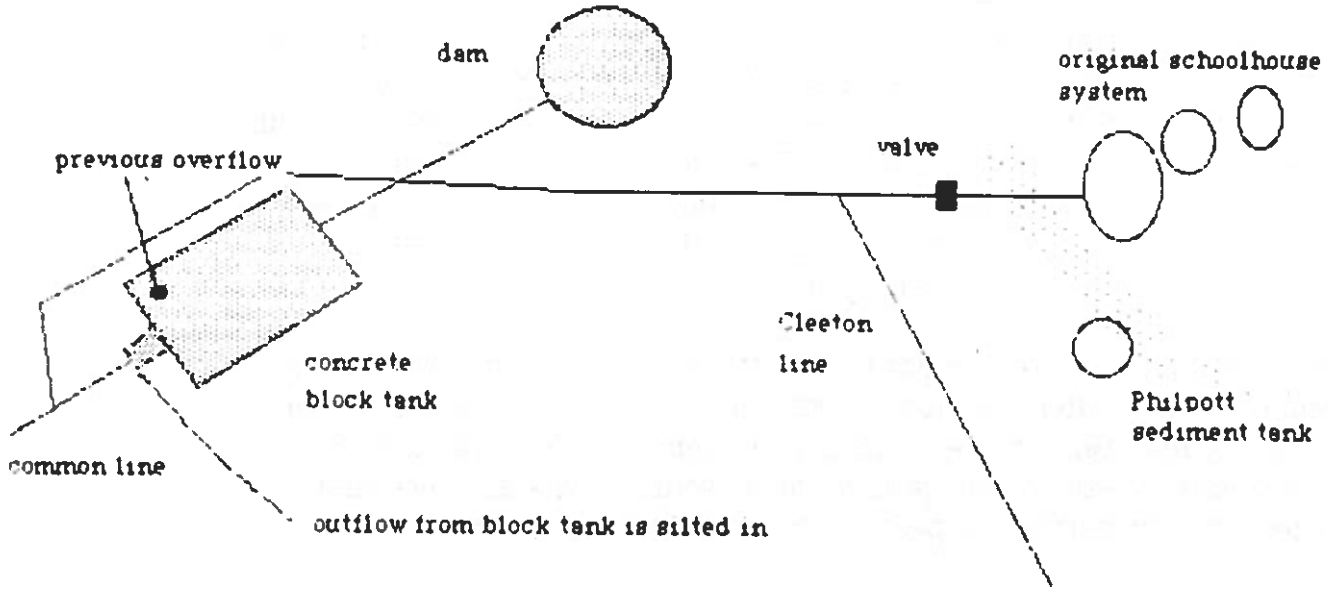
1988

Since then, Jenkins and her Housekeeper have made several calls to Mitchell in regard to anticipated water problems for the dry part of 1988 and they have stated that a drip irrigation system was being installed as their way of conserving water, still being under the impression they have exclusive rights to the schoolhouse system including irrigation.

#### Conclusion

All of the enclosed documents are offered in an attempt to clarify the status of the Bear Creek Water Community, based on what we can understand of state and county water regulations, to offer a solution to future problems of drought and deliver a better flow of water to all parties concerned as well as to remove stress from neighborhood relations.

# Bear Creek Water Community Systems



2/9/88

Examination of files at the State Water Board in Salem shows that four dwellings on the Bear Creek water community system submitted applications for water permits and were issued permit numbers as in the records of the Water Master. It should be noted there are three different systems in proximity to each other: Schoolhouse system, block tank system and a pump system belonging to Gladys Philpott. There are various discrepancies in coordinates describing points of departure and in descriptions of systems and construction of systems as well as in intent to file on one system or another for service to one dwelling or another.

These discrepancies are brought to the attention of the Water Master and members of the water community with the goal of improving both water delivery to members and relations among members. Discrepancies are noted below and followed by a suggestion which would service all concerned parties while preserving respect for the civil rights of all concerned.

Cleeton: Application describes the original "schoolhouse" system. Intent was for service for two separate dwellings as well as for 1/2 acre each lawn and non-commercial garden irrigation. POD coordinates are accurate by survey for this system and dwellings. There has been no change in ownership of property or dwelling sites and the systems have been in continuous use since purchase of property in 1973. Permit date is Sept. '83. Water from the schoolhouse system has been linked to the property since 1928.

Mitchell: Application contains unclear POD coordinates. The description of the system fits exactly the original schoolhouse system described by Cleeton, indicating intent to file on this system rather than the block tank. Usage includes domestic one family and 1/2 acre garden. There has been no change of ownership or location of dwelling since application was filed and the system has been in continuous use since 1928.

Longanecker: Application shows POD coordinates and clear measurements and description of block tank constructed in 1977. He states he filed in 1977, but file contains a permit date of 1981. Usage applied for was for one family dwelling and 1/2 acre non-commercial garden use. The dwelling occupied by Longanecker at that time was subsequently sold to Tigard in about 1979. There was no transfer of permit to Tigard noted in the file and Tigard generally uses water from another system on their property. Tigard has occupied the dwelling since 1979 since which time the community system has not been in use there.

It should be noted that another part of the Longanecker property was sold to Nuesse in 1974. This property is between Mitchell and Longanecker and has access to both water community system and Tigard system. No permit has been filed by Nuesse, nor has he been using the community system continuously or exclusively.

From 1980 until the sale of property around May 1, 1988, Longanecker's new dwelling was a home at least 200 yd. from the dwelling application was filed for and no change of location for the permit was located in the file for this dwelling. However a change of permit for the new owners (Tom and Allen) appears to be in process.

It is unclear at this point whether the permit for service from the block tank is valid for the new dwelling. Service from the original schoolhouse system was never applied for.

Jenkins: The former owner of the Jenkins property, Robert Sprague, applied on the basis of POD coordinates relating to the schoolhouse system and a description which is very unclear. Intent is implied by the fact that he was in the process of constructing the block tank and his application includes an estimate of \$650 dollars which was the amount estimated by the community for the completion of this new system in 1977. Use was limited to domestic use for one family. He also applied for permit to another system on the Devereau property also for purposes of domestic use. The dwelling which Sprague occupied at that time was the original Bear Creek Schoolhouse and arrangements had been made for the sale to Sterling Welch of Bandon and removal from the property of the dwelling now occupied by Jenkins, clearly indicating his intent to file for service to a dwelling no longer in existence. The schoolhouse burned to the ground in 1980 and no change of application for the remaining dwelling was found in the file, nor any transfer of permit to Jenkins upon sale of the property. A letter appears in the Sprague file subsequent by 5 years and 7 months to the filing of the application requesting change of his filing from the block tank to the original system. Sprague states he felt at the time the block system was inferior in terms of water quality and maintenance required to the original system which had been cleaned and repaired by Cleeton and wished to have some notation in his file should the block tank system fail. However Sprague states the permit now on file was intended to pertain to the block system only and he feels he never completed his permit.

It is unclear whether Jenkins has valid rights to either community water system, since the schoolhouse has not been in existence for 8 years.

Due to misunderstandings and bad feelings among various water community members at this time, it would be desirable to clarify the standings of all

Consist of School Springs

parties and arrive at a solution to water and easement problems which arose in summer of 1987 and are again anticipated in future. The capacity of either system to service all dwellings, livestock, gardens and yards during dry periods is clearly inadequate. All parties have access to alternate water sources on their own property. The most desirable solution would be that each water community household develop its own water system and maintain both community systems as backup to the individual systems.

Meanwhile, in view of the fact this would take time to accomplish, it would be desirable to have two separate water communities on the basis of the apparent intent of applications filed. In other words, let Cleeton and Mitchell share water and maintenance of the original schoolhouse system and Jenkins and Toni and Allen share the water and maintenance of the block system. In this case new pipe would be laid between Mitchell and Cleeton while the existing line would service T&A and Jenkins.

The attached sketch of the two systems shows their relationship and the present hookup of the common line servicing dwellings north of Cleeton and Cleeton's service line. It is clear that the block tank, now overflowing with unutilized water needs only cleaning and minor repair before being ready to provide water service via the existing common line.

We realize the problem of easements is not in the Water Master's jurisdiction. The following remarks in regard to easements are included to show intent of Cleeton and Mitchell to assist the other parties in repairing and cleaning the concrete block system pending development of individual systems. These remarks are not in final form nor legally binding until such time as they are legally and satisfactorily drawn up in writing and signed by concerned parties.

Cleeton would agree to a one-time transport for materials only to the site via his road and Mitchell would agree to access from the southern area of the property to the block tank for persons to clean and service the block tank on the following basis: that the work be carried out in a period of no more than 3 consecutive days and be completed in this time. No further access would be granted. Additionally, Mitchell requires written and legal release of liability for this one-time access. Requirement of subsequent access for purposes of maintenance must be demonstrated and no access would be granted except on a per visit basis and written and legal release of liability will be furnished by the repair party.

This course suggests itself as the simplest, most straightforward solution to water rights for all parties concerned.

Bear Creek Water Community  
Members Cleeton and Mitchell  
5/11/88

**RECEIVED**

JUN 13 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Drolet, Watermaster  
Coos County Courthouse Annex  
Coquille, OR

Dear Mr. Drolet:

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1. A map showing the two water systems and their relationships to each other with notations of how they have been connected or disconnected and where the service lines originate.
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Sincerely,

Jennifer Cleeton and Sambre Mitchell



Rt. 2, Box 600  
Bandon, OR 97411  
6/10/88

Steve Applegate  
Water Resources Dept  
Water Rights Div  
3850 Portland Rd., NE  
Salem, OR 97310

Dear Mr. Applegate:

We are writing to you in the matter of the Bear Creek Water Community on the advice of John Drolet, Watermaster. We would like to express some concerns we have regarding the paperwork on file which we presume will be the basis for your decisions about water rights to the various systems now existing and under dispute.

We call your attention to the enclosed document which we submitted to the Watermaster in early May 1988 and which should be on file with you. We would like you to also take the following remarks into consideration.

For the past year we have been attempting to resolve our water difficulties and have frequently been told contradictory things, as interpretations of applications, descriptions of systems, points of diversions and transfer of permits has been unclear and all related documents not heretofore assembled, as they have been filed in various divisions of the Water Board.

Letters and surveys subsequent to original applications appearing in the file may be making the matter extra complex for you. We would like to shed light on some of these letters and the survey which all appeared at about the same time, in September and October, 1983.

Let's look at events surrounding letter of amendment from one system to another. Sprague filed on the block tank system which was under construction in 1977. Longanecker filed on that same system in 1981. Cleeton and Mitchell filed on the original schoolhouse system in 1983. The enclosed document explains the details of the construction of the new system and how the Water Community members were thinking at the time.

Between 1977 and 1983 the block tank system proved deficient because it required constant maintenance which Cleeton was called upon to perform, being nearest to it and in good health and understanding how it worked.

9/8/88  
Need PC's on  
these ASAP  
- SPA

RECEIVED

JUN 13 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

Cleeton tired of it and repaired the original schoolhouse system to full capacity. He told all concerned he would file on it, which he did, (as did Mitchell) in October 1983.

When Sprague and Longanecker were told, they apparently thought it would be in their best interest to be on the same system as Cleeton, as Cleeton would no longer repair and maintain the dam and block dam. Letters to this effect, dated in September and October 1983 appear in the file. Around the same time, a surveyor came to survey the systems and was led by Sprague, who had already decided to change his application, to the Schoolhouse System, which is described in the survey, and was never shown the block tank system on which he had filed.

The Watermaster suggests its unclear whether a change of system is allowable, but states there is some flexibility since no certificates have been issued. However, a radical change from one system to another without refiling would seem out of order. We are concerned it would affect priority dates, among other things, unless you rule otherwise.

Because the original schoolhouse system is inadequate to service all families in the water community especially in times of draught, bad feelings, false accusations and misunderstandings have persuaded us that standing by the original intents of the applications would be fair to all and provide water in better quantity to all concerned.

We feel that having filed our applications and over the years having put more time, energy and money into the water system than either of the other parties now involved it is vexing and burdensome to have had dubious interpretations put on our activities and intentions and to need to defend our rights over and over again throughout a long period of time. We hope you will be able to solve this matter fairly and promptly, before the water gets low again and tempers begin to flare.

Is it reasonable to ask for an estimation of how long this may require?

Sincerely,

*Sambra Mitchell, Jennifer Cleeton*

Sambra Mitchell and Jennifer Cleeton

RECEIVED

Water-related events by date

JUN 13 1988

Feb. 77

WATER RESOURCES DEPT.

Schoolhouse system flow was inadequate to maintain all families. The situation was discussed and certain parties decided to build a block tank to hold water being collected from runoff from several springs. Longanecker suggested applying for permits on the concrete block system. Cleetons said they were concerned over the appropriateness of constructing a new system on the private property of a party unconcerned with the water. They continued using schoolhouse system and made repairs on it. Cleetons also built their own back-up water system on their own property, exclusive to them.

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Longanecker moved to new dwelling. Transfer of permit not found.

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Schoolhouse burned and application was not switched to remaining (now Jenkins) dwelling.

1981

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Sprague property sold to Jenkins. No transfer of permit found.

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to sue Mitchell and Cleeton for easement. This was the event which began a period of mistrust and bad feeling among water members.

The block system was continually in need of repairs and Cleeton tired of being responsible for repairs since he wasn't using it. So he took the overflow pipe from the schoolhouse system and hooked it to the common line temporarily until Longanecker and Sprague could make repairs themselves. Sprague and Mitchell were working away from home and Longanecker suggested health problems preventing him from working on the system.

1984

About this time Longanecker moved away and made his primary home in Portland, making 2-3 visits a year to his Bear Creek property until its sale in 1988.

1985-86

Systems performing adequately as described due to absence of Mitchell and Longanecker as full-time residents although Mitchell had occasional tenants.

1986

Sambra Mitchell took occupancy of Mitchell property in August. A few repairs were made to the common line which broke in several places. No major problems occurred.

1987

Draught occurred in late spring until late fall. Jenkins, Mitchell and Cleetons were the only users of the systems. Cleetons and Mitchells frequently ran out of water entirely and approached Jenkins with inquiries about use and information about the severely diminished flow. Jenkins denied excessive use although several parties witnessed frequent irrigation of lawn and garden and compost piles. She was under the impression that the water was hers exclusively and made no particular attempt to conserve water in the interest of the rest of the community for some period. Cleetons and Mitchells to locate any leaks and found 3: one near the systems, one at Longanecker's and one above the Tigard residence. After making repairs, the outflow from the tank was still more rapid than input. Eventually water hours were agreed upon by all parties and were in effect until late November when the rains began and the flow recovered.

Although Sprague informed Cleeton that Jenkins had domestic use only in terms of his filed permit, no attempt was made to call the Water Master by Cleeton or Mitchell in hope that the situation could be handled among the water members.

It should be noted that another part of the Longanecker property was sold to Nuessle in 1974. This property is between Mitchell and Longanecker and has access to both water community system and Tigard system. No permit has been filed by Nuessle, nor has he been using the community system continuously or exclusively.

From 1980 until the sale of property around May 1, 1988, Longanecker's new dwelling was a home at least 300 yd. from the dwelling application was filed for and no change of location for the permit was located in the file for this dwelling. However a change of permit for the new owners (Toni and Allen) appears to be in process.

It is unclear at this point whether the permit for service from the block tank is valid for the new dwelling. Service from the original schoolhouse system was never applied for.

Jenkins: The former owner of the Jenkins property, Robert Sprague, applied on the basis of POD coordinates relating to the schoolhouse system and a description which is very unclear. Intent is implied by the fact that he was in the process of constructing the block tank and his application includes an estimate of \$650 dollars which was the amount estimated by the community for the completion of this new system in 1977. Use was limited to domestic use for one family. He also applied for permit to another system on the Devereau property also for purposes of domestic use. The dwelling which Sprague occupied at that time was the original Bear Creek Schoolhouse and arrangements had been made for the sale to Sterling Welch of Bandon and removal from the property of the dwelling now occupied by Jenkins, clearly indicating his intent to file for service to a dwelling no longer in existence. The schoolhouse burned to the ground in 1980 and no change of application for the remaining dwelling was found in the file, nor any transfer of permit to Jenkins upon sale of the property. A letter appears in the Sprague file subsequent by 5 years and 7 months to the filing of the application requesting change of his filing from the block tank to the original system. Sprague states he felt at the time the block system was inferior in terms of water quality and maintenance required to the original system which had been cleaned and repaired by Cleeton and wished to have some notation in his file should the block tank system fail. However Sprague states the permit now on file was intended to pertain to the block system only and he feels he never completed his permit.

It is unclear whether Jenkins has valid rights to either community water system, since the schoolhouse has not been in existence for 8 years.

Due to misunderstandings and bad feelings among various water community members at this time, it would be desirable to clarify the standings of all

5/9/88

Examination of files at the State Water Board in Salem shows that four dwellings on the Bear Creek water community system submitted applications for water permits and were issued permit numbers as in the records of the Water Master. It should be noted there are three different systems in proximity to each other: Schoolhouse system, block tank system and a pump system belonging to Gladys Philpott. There are various discrepancies in coordinates describing points of departure and in descriptions of systems and construction of systems as well as in intent to file on one system or another for service to one dwelling or another.

These discrepancies are brought to the attention of the Water Master and members of the water community with the goal of improving both water delivery to members and relations among members. Discrepancies are noted below and followed by a suggestion which would service all concerned parties while preserving respect for the civil rights of all concerned.

Cleeton: Application describes the original "schoolhouse" system. Intent was for service for two separate dwellings as well as for 1/2 acre each lawn and non-commercial garden irrigation. POD coordinates are accurate by survey for this system and dwellings. There has been no change in ownership of property or dwelling sites and the systems have been in continuous use since purchase of property in 1973. Permit date is Sept. '83. Water from the schoolhouse system has been linked to the property since 1928.

Mitchell: Application contains unclear POD coordinates. The description of the system fits exactly the original schoolhouse system described by Cleeton, indicating intent to file on this system rather than the block tank. Usage includes domestic one family and 1/2 acre garden. There has been no change of ownership or location of dwelling since application was filed and the system has been in continuous use since 1928.

Longanecker: Application shows POD coordinates and clear measurements and description of block tank constructed in 1977. He states he filed in 1977, but file contains a permit date of 1981. Usage applied for was for one family dwelling and 1/2 acre non-commercial garden use. The dwelling occupied by Longanecker at that time was subsequently sold to Tigard in about 1979. There was no transfer of permit to Tigard noted in the file and Tigard generally uses water from another system on their property. Tigard has occupied the dwelling since 1979 since which time the community system has not been in use there.

1988

Since then, Jenkins and her Housekeeper have made several calls to Mitchell in regard to anticipated water problems for the dry part of 1988 and they have stated that a drip irrigation system was being installed as their way of conserving water, still being under the impression they have exclusive rights to the schoolhouse system including irrigation.

#### Conclusion

All of the enclosed documents are offered in an attempt to clarify the status of the Bear Creek Water Community, based on what we can understand of state and county water regulations, to offer a solution to future problems of drought and deliver a better flow of water to all parties concerned as well as to remove stress from neighborhood relations.

parties and arrive at a solution to water and easement problems which arose in summer of 1987 and are again anticipated in future. The capacity of either system to service all dwellings, livestock, gardens and yards during dry periods is clearly inadequate. All parties have access to alternate water sources on their own property. The most desirable solution would be that each water community household develop its own water system and maintain both community systems as backup to the individual systems.

Meanwhile, in view of the fact this would take time to accomplish, it would be desirable to have two separate water communities on the basis of the apparent intent of applications filed. In other words, let Cleeton and Mitchell share water and maintenance of the original schoolhouse system and Jenkins and Toni and Allen share the water and maintenance of the block system. In this case new pipe would be laid between Mitchell and Cleeton while the existing line would service T&A and Jenkins.

The attached sketch of the two systems shows their relationship and the present hookup of the common line servicing dwellings north of Cleeton and Cleeton's service line. It is clear that the block tank, now overflowing with unutilized water needs only cleaning and minor repair before being ready to provide water service via the existing common line.

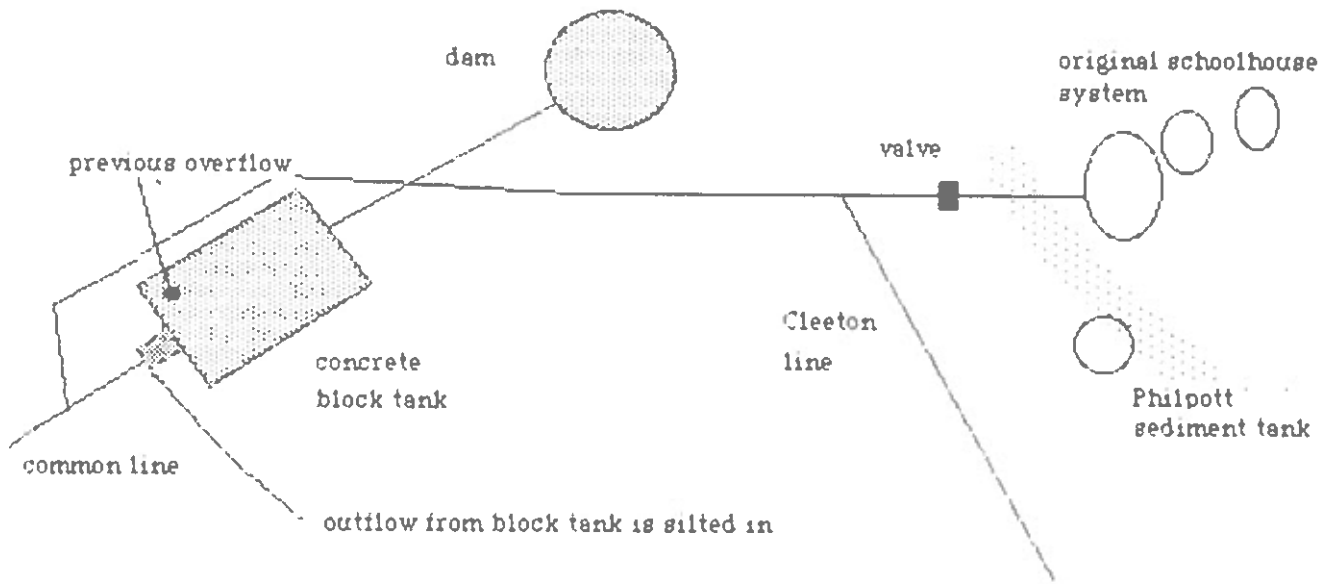
We realize the problem of easements is not in the Water Master's jurisdiction. The following remarks in regard to easements are included to show intent of Cleeton and Mitchell to assist the other parties in repairing and cleaning the concrete block system pending development of individual systems. These remarks are not in final form nor legally binding until such time as they are legally and satisfactorily drawn up in writing and signed by concerned parties.

Cleeton would agree to a one-time transport for materials only to the site via his road and Mitchell would agree to access from the southern area of the property to the block tank for persons to clean and service the block tank on the following basis: that the work be carried out in a period of no more than 3 consecutive days and be completed in this time. No further access would be granted. Additionally, Mitchell requires written and legal release of liability for this one-time access. Requirement of subsequent access for purposes of maintenance must be demonstrated and no access would be granted except on a per visit basis and written and legal release of liability will be furnished by the repair party.

This course suggests itself as the simplest, most straightforward solution to water rights for all parties concerned.



# Bear Creek Water Community Systems





67336



STATE OF OREGON

INTEROFFICE MEMO

TO: MIKE SCHMORDE

DATE: 4-11-86

FROM: Tom

SUBJECT: Permit 48406 T285 R14WWM

Drafting does not fit legal. Also, not  
into on Tax map.

INFO. I suppose you will be receiving a memo from  
?rce about data needed for domestic including lawn & garden.  
It looks as if we will need to survey irrigated areas; therefore, on  
is kind of a project show how much lawn & garden for each dwelling.  
s been watered. (Not this one - after memo is received)

81-125-1379

ENCLOSED MYLAR, FIELD ROOM & LD

378-3066

April 16, 1984

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road  
Bandon, OR 97411

Dear Mr. and Mrs. Cleeton:

REFERENCE: File 67336

Thank you for returning Application 67336 and the accompanying maps.

Your application is now in satisfactory form and will be considered for issuance of a permit with the next group to be processed.

Sincerely,

CHRIS L. HUGHES  
Senior Water Rights Examiner

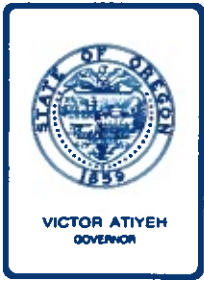
CLH:wpc

0056/S  
1826C

1984 APR 11 10 58 AM  
WATER RESOURCES DIV  
SALON OREGON

We went to the coos county water  
master for correct figures.

Thank You  
Mrs. Cleator  
4-5-84



## *Water Resources Department*

MILL CREEK OFFICE PARK

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

PHONE 378-3066

February 15, 1984

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road,  
Bandon, Oregon 97411

REFERENCE: File Number 67336

Dear Mr. Cleeton:

Thank you for returning Application 67336 and the accompanying maps.

Both springs must be located from the same corner on the maps and in the application. Since the E $\frac{1}{2}$  corner has been chosen, both springs must be measured from this corner.

According to your maps, Spring #1 measures 490 feet North and 1130 feet West from the E $\frac{1}{2}$  corner. This does not agree with Item 2 of the application or the location listed on the maps. Please amend Item 2 of the application and the maps to correctly locate Spring #1.

I am returning your application and maps for correction. The application is endorsed and in order to retain its priority date, it must be received in this office on or before April 16, 1984.

Sincerely,

*Chris L. Hughes*

Chris L. Hughes  
Senior Water Rights Examiner

CLH/jw

Enclosure

**RECEIVED**

APR 9 1984

WATER RESOURCES DEPT.  
SALEM, OREGON





## *Water Resources Department*

MILL CREEK OFFICE PARK

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

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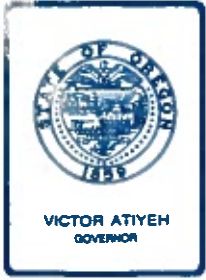
I am returning your application and maps for correction. The application is endorsed and in order to retain its priority date, it must be received in this office on or before April 16, 1984.

Sincerely,

Chris L. Hughes  
Senior Water Rights Examiner

CLH/jw

Enclosure



*Water Resources Department*  
MILL CREEK OFFICE PARK  
555 13th STREET N.E., SALEM, OREGON 97310

**RECEIVED**

FEB 9 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

PHONE 378-3066

January 30, 1984

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road  
Bandon, OR 97411

Dear Mr. and Mrs. Cleeton:

REFERENCE: File 67336

Thank you for submitting the four application maps.

There is a discrepancy in the way Spring 1 is located on the maps and in Item 2 of the application. Please state the location of Spring 1 from the E 1/4 Corner of Section 27 on the four maps as listed in Item 2 of the applicaton. *over* →

Also, please show the two houses, springs and pipelines in ink on your maps.

I am returning your application and four maps for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before March 27, 1984.

Sincerely,

*Chris L. Hughes*

CHRIS L. HUGHES  
Senior Water Rights Examiner

CLH:wpc  
0342C





1984 FEB 7  
NORTH CAROLINA  
DEPT. OF TRANSPORTATION  
CARTER RESOURCES DEPT.  
CARTER RESOURCES DEPT.

NORTH CAROLINA  
DEPT. OF TRANSPORTATION  
CARTER RESOURCES DEPT.  
CARTER RESOURCES DEPT.

January 10, 1984

Mr. J. L. ...  
Route 2, Box 210, ...  
... NC 27511

Dear Mr. ...  
...  
... the ...

... were  
The Figures on maps <sup>1</sup> are CORRECT.  
The figures in Item 2 weren't  
correct, but are now corrected.

Thank You  
Cleeton's  
FEB 7, 84

378-3066

January 30, 1984

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road  
Bandon, OR 97411

Dear Mr. and Mrs. Cleeton:

REFERENCE: File 67336

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Sincerely,

CHRIS L. HUGHES  
Senior Water Rights Examiner

CLHwpc  
0342C



**Water Resources Department**  
**MILL CREEK OFFICE PARK**  
555 13th STREET N.E., SALEM, OREGON 97310

**RECEIVED**  
JAN 19 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON  
PHONE 378-3066

November 10, 1983

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road  
Bandon, OR 97411

Dear Mr. and Mrs. Cleeton:

REFERENCE: File 67336 —

Your Application 67336 has been reviewed and appears to be in satisfactory form.

The maps, however, need to be properly completed. Please put the information from the small map copies onto the large plat maps. Please show the locations of the springs, the houses, and state the location of the springs from the E 1/4 Corner of Section 27 on the large maps.

I am returning four plat maps and one map copy. The application will be held without action for a reasonable period pending receipt of the completed maps.

Sincerely,

*Chris L. Hughes*

CHRIS L. HUGHES  
Senior Water Rights Examiner

CLH:wpc  
enclosures  
9181B

*over please*  
↑

*1-5-84  
after 10:00*

*John Drolet*

To Water Resources Department.

The reason we're sending these maps back so late is because the watermaster in coquille couldn't get back to us until after Jan 5, 84 to give us the figures we needed.

The figures on POD #1 were wrong so we checked with the watermaster and got the correct ones. They're written on the maps.

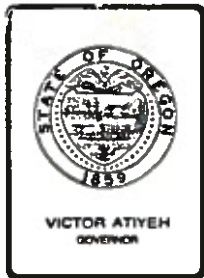
Thank You

Mrs Cleaton

**RECEIVED**

JAN 19 1984

WATER RESOURCES DEPT.  
SALEM, OREGON



*Water Resources Department*

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 10, 1984

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road,  
Bandon, OR 97411

REFERENCE: File Number 67336

Dear Mr. and Mrs. Cleeton:

We have not received the maps needed to accompany your application. A permit cannot be issued until the proper maps are received.

Please submit the required maps as soon as possible. Your application will be held without action for a reasonable period pending receipt of the required maps.

Sincerely,

Chris L. Hughes  
Senior Water Rights Examiner

CLH/jw



## *Water Resources Department*

**MILL CREEK OFFICE PARK**

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

PHONE 378-3066

November 10, 1983

Harold D. and Jennifer Cleeton  
Route 2, Box 610, Bear Creek Road  
Bandon, OR 97411

Dear Mr. and Mrs. Cleeton:

REFERENCE: File 67336

Your Application 67336 has been reviewed and appears to be in satisfactory form.

The maps, however, need to be properly completed. Please put the information from the small map copies onto the large plat maps. Please show the locations of the springs, the houses, and state the location of the springs from the E 1/4 Corner of Section 27 on the large maps.

I am returning four plat maps and one map copy. The application will be held without action for a reasonable period pending receipt of the completed maps.

Sincerely,

CHRIS L. HUGHES  
Senior Water Rights Examiner

CLH:wpc  
enclosures  
9181B



## *Water Resources Department*

**MILL CREEK OFFICE PARK**

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

PHONE 378-3066

October 19, 1983

August T. Gehrig  
3381 Gilhouley Road  
Hood River, OR 97031

REFERENCE: File 67335

We have received your application for use of water for irrigation along with the supporting data and fees. Our Receipt 38573 is enclosed. Your application has been filed and assigned number 67335.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the project described in the application 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.

Sincerely,

RALPH H. JACKSON, Supervisor  
Application/Permit Section

RHJwpc

enclosure

0003/X  
8866B



67336

*Water Resources Department*

MILL CREEK OFFICE PARK

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

PHONE 378-3066

September 20, 1983

Harold D. and Jennifer Cleeton  
Rt. 2, Box 610 Bear Creek Road  
Bandon, Oregon 97411

Dear Mr. and Mrs. Cleeton:

We are in receipt of your application for water rights, however, it could not be filed as no fees accompanied it.

The application as it presently reads would require the total fees of \$70.

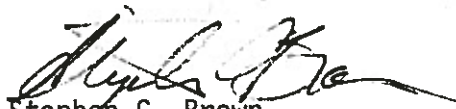
When we are in receipt of the application and required fees the application may be accepted.

Item 4 of the application will need to define the amount of water you intend to appropriate from each of the sources described in Item 1.

Portions of maps do not meet our map requirements. It will be necessary for you to submit a transparency of the complete map or four copies illustrating the location of the project.

I am returning your application. If you have any questions in regards to the proper completion of the application or map, please feel free to contact me.

Sincerely,

  
Stephen C. Brown  
Senior Water Rights Examiner

SCB/jw  
Enclosure



... to any property beyond the lines of the land expressly described in

Insured shall notify the Company thereof in writing. If such notice shall not be given to

policy, the Company shall have the option to purchase said indebtedness; such purchase, payment or tender of payment of the

**SCHEDULE A**

Amount \$ 6,500.00

Date May 22, 1973

8:34

AD8:00XBRX

**INSURED**

-----HAROLD D. CLEETON, JR. and JENNIFER K. CLEETON-----

The estate or interest referred to herein is, at the date hereof, vested in

-----FRANK G. HANSEN, JR., RAMONA HANSEN and CATHERINE HANSEN, not as tenants in common but with the right of survivorship.-----

The land referred to in this policy is described as

That portion of the South 530 feet of the SW $\frac{1}{2}$  of the NE $\frac{1}{2}$  of Section 27, Township 28 South of Range 14 West of the Willamette Meridian, Coos County, Oregon, lying East of Bear Creek County Road.-----

**Application No.** 69336  
**Permit No.** 48406

**RECEIVED**

SEP 20 1983

WATER RESOURCES DEPT.

SALEM, OREGON

**RECEIVED**

OCT 3 1983

WATER RESOURCES DEPT.

SALEM, OREGON

POD #2

67336

RECEIVED

SEP 20 1983

RECEIVED

OCT 8 1983

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No.

Permit No. 48406

WATER RESOURCES DEPT.

SALEM, OREGON

Application No. \_\_\_\_\_

DESCRIPTION OF SPRING

1. Is spring on property of applicant? YES
2. If not, give name and address of legal owner. HAROLD D. CLEETON JR.
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? YES
4. If you do not have such consent, do you expect to secure right of way through condemnation? HAVE CONSENT
5. What is the maximum flow from spring? 2 gals min  
(Gallons per minute or cubic feet per second)
- What is the minimum flow? 1/2 gal PER MIN.
- Is flow measured or estimated? MEASURED
6. Does the stream flowing from spring form a well defined natural channel? NO
7. Does the water flow off the lands on which it first arises? NO
8. Give the name of the stream or other body of water into which water from the spring flows. \_\_\_\_\_
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. ALL UNDER GROUND
10. Remarks \_\_\_\_\_

Harold D. Cleeton Jr.  
Signature of Applicant

Application No. 67336

Permit No. ....

40/30

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIVED

SEP 20 1983

Application for Permit to Appropriate Surface Water

WATER RESOURCES DEPT.

I, Harold D Cleeton and Jennifer Cleeton

(Name of Applicant)

of Rt 2 Box 610, Bear Cr Rd, Bandon

(Mailing Address)

(City)

State of Oregon, 97411 Phone No. 503-347-3974

(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 ARE Two Springs

POD #2 doesnt leave property, (a tributary of) BEAR CREEK

POD #1

400 300 FT 1400

1130 FT.

2. The point of diversion is to be located #2 320 ft. N and 1595 ft. W

(N. or S.)

(E. or W.)

from the E 1/4 corner of Sec 27

(Public Land Survey Corner)

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

being within the SE SW 1/4 of the NE 1/4

Sec. 27 Tp. 28 S R. 14 W, 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
28S	14W	27	SW NE	2 domestic uses includi lawn & garden irregatio

2049C

396P7

POD # 0.01  
POD # 0.01

4. The amount of water which the applicant intends to apply to beneficial use is 0.01 cubic feet per second. (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 2 domestic uses to include up to 1/2 ac. of non-commercial lawn & garden irrigation for each domestic use.

6. DESCRIPTION OF WORKS Spring box

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. gravity fed

POD #1 Water coming from fracture in rock, flowing into 4 inch pipe, which flows into a 4 foot concrete ring for settling, which in turn flows into another 4 foot concrete tile for additional settling. Then empties into holding tank. Then 1 inch line takes off from holding tank approx 1/2 mile. Then each family takes 1/2 inch line off of 1 inch main line.

POD #2 Underground 15 foot drain field consisting of 4 inch perforated pipe with 1 1/2" drain rock in bottom of trench. That lead to a 2 foot concrete ring used for picking up sediment. From sediment ring water flows by way of 3/4 inch line to 1200 gallon (concrete) holding tank. From holding tank to houses by way of 1 inch line.

If for domestic use state number of families to be supplied 2

7. Construction work will begin on or before Complete

8. Construction work will be completed on or before " "

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

Application No. 67336

Permit No.

Remarks: POD #1 IS NOT ON APPLICANTS PROPERTY.

COOS HEAD TIMBER IS OWNER AND WILL NOT ISSUE AT THIS TIME ANY WRITTEN CONSENT. CONSENT WAS GIVEN TO HAROLD D. CLEETON JR. VERBALLY BY MIKE GROBEN OF COOS HEAD TIMBER CO. TO MAINTAIN EXISTING SYSTEM. POD #1 WAS BUILT IN 1916 COOS HEAD TIMBER HAS OWNED PROPERTY FOR 40 OR 5 YEARS.

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 planning agency can area.

x Harold D. Cleeton Jr.  
Signature of Applicant  
Jennifer Cleeton

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before March 27, 1984  
April 16, 1984

WITNESS my hand this 30th day of January, 1984  
15th February 1984

William H. Young, Water Resources Director

By Chris L. Hughes  
CHRIS L, HUGHES

**RECEIVED**  
FEB 9 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

**RECEIVED**  
APR 9 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 3 day of OCT, 1983, at 8 o'clock A.M.

Application No. 67336 Permit No. ....

Application No. 67336

Permit No. ....

21/2  
NC

### 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 0.02 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 springs

The use to which this water is to be applied is dom (2) incl L & G EA

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 Oct. 3, 1983 for 0.01 cfs  
Feb. 9, 1984 for 0.01 cfs

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.....

Water Resources Director

RAK SUR

STATE OF OREGON  
DEPARTMENT OF WATER RESOURCES  
DIVISION OF PERMITS  
1000 NE Oregon Street  
Portland, Oregon 97232  
FED 3/884

POD #1

67336

RECEIVED

SEP 20 1983

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OCT 8 1983

Application No.

WATER RESOURCES DEPT.

WATER RESOURCES DEPT.  
SALEM, OREGON

Permit No. 48406

Application No. \_\_\_\_\_

DESCRIPTION OF SPRING

- 1. Is spring on property of applicant? NO
- 2. If not, give name and address of legal owner. COOS HEAD TIMBER

- 3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? VERBAL

- 4. If you do not have such consent, do you expect to secure right of way through condemnation? YES

- 5. What is the maximum flow from spring? 5 gals min.  
(Gallons per minute or cubic feet per second)

What is the minimum flow? 2 1/2 gals min

Is flow measured or estimated? ESTIMATED

- 6. Does the stream flowing from spring form a well defined natural channel? YES

- 7. Does the water flow off the lands on which it first arises? YES

- 8. Give the name of the stream or other body of water into which water from the spring flows. BEAR CR.

- 9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing. DOSNT

- 10. Remarks THIS PROPERTY HAS TAKEN WATER FROM THIS SOURCE SINCE 1928. IT IS THE OLD BEAR CR. SCHOOL HOUSE SYSTEM.

Harold D. Clifton  
Signature of Applicant

CONSENT BY MIKE GROBEAU, COOS HEAD TIMBER

SECTION 27 T.28S. R.14W. W.M.  
COOS COUNTY

1"=400'

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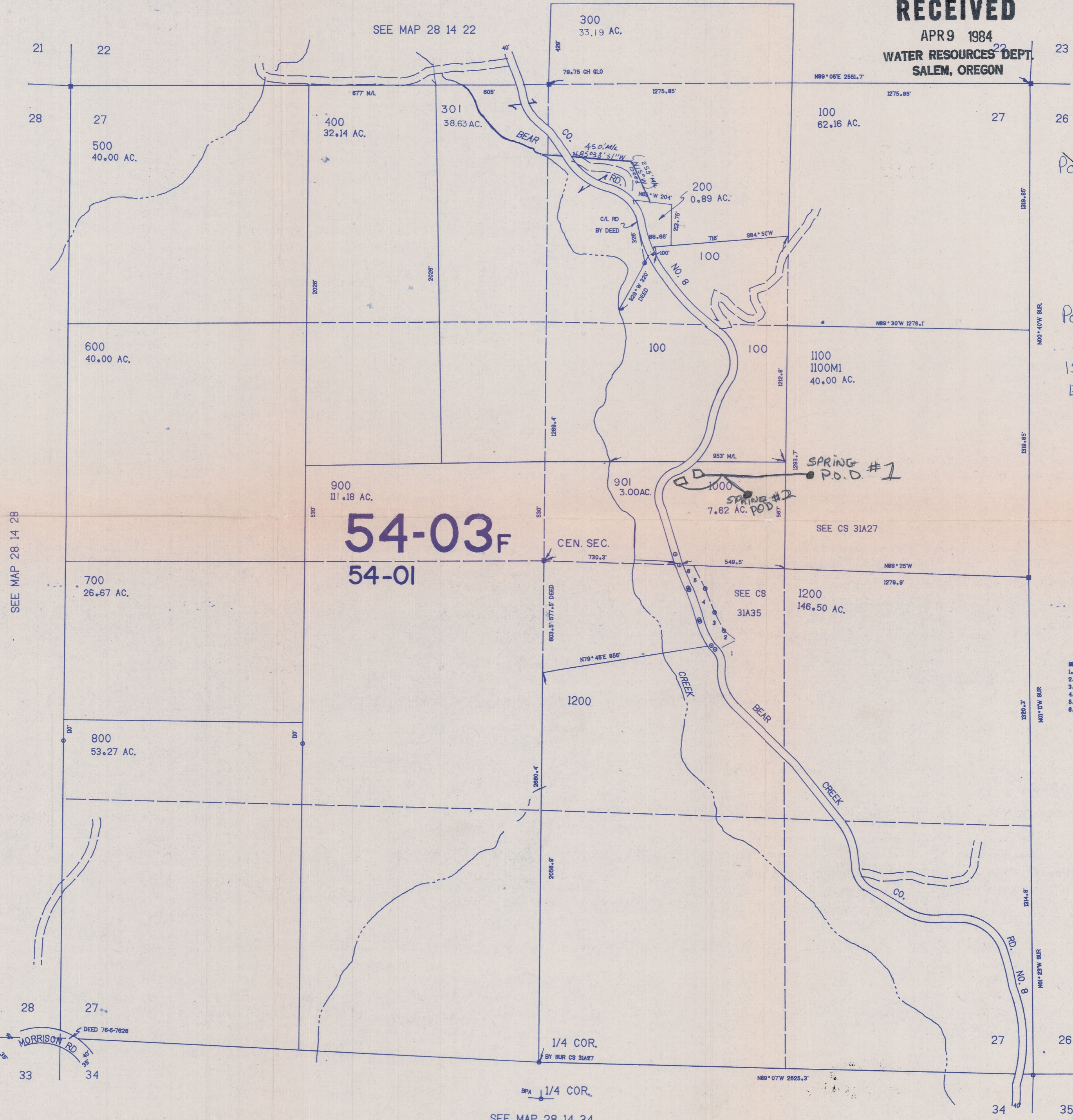
- 28 14 27

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OCT 8 1983  
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APR 9 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

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JAN 19 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.



Pod #1  
3080 Ft. North  
1130 Ft. West  
From S.W. corner  
of Sec 27 within S.E.  
of N.E. Sec of 27

Pod #2  
320 Ft. North  
1565 Ft. West From  
E 1/4 corner of Sec 27

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FEB 9 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

Pod #1  
490 Ft. N. and  
1130 Ft. W. From  
E 1/4 corner of  
Section 27

- BLR 31A28:
1. N79°12'E 183.4'
  2. N50°54'W 82.2'
  3. N25°55'W 122.1'
  4. N23°33'W 125.3'
  5. N27°33'W 154.8'
  6. N88°25'W 46.5'

550.000

28 14 27

975000