

Do This

See Transfer No. 2361 also

Abstract of Permit No. 34986

D.R. M.
R.G.

Application No. 46714 Certificate No.

Name School District #9
Address P. O. Box 509
Coos Bay, Oregon

Source of water supply Two unnamed streams; water to be diverted from southerly stream when available with any deficiency in the available School use and irrigation of 3 1/2 ac.

Point of diversion D.P. loc. #1- 6105.63' S. & 1762.55' W.; #2- 5162.51' S. & 1461.82' W. from W 1/2 cor. Sec. 26, being within NW 1/4 SE 1/4 & SW 1/4 NE 1/4, Sec. 34, T. 25 S., R. 12 W., W. M., county of Coos

Number of acres 13

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4					
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
25S	12W	26						X			X									
					LOT 5 (SW 1/4 NW 1/4)													SCHOOL USE	1/6	
					NW 1/4 SW 1/4													SCHOOL USE	1/6	
					* supply from the southerly stream to be made up by appropriation from the easterly stream provided that the total quantity diverted from both sources shall not exceed 0.18 c.f.s.															

Priority date April 17, 1970

Amount of water 0.06 c.f.s., being 0.02 c.f.s. for the school and 0.16 c.f.s. for irrigation 0.04

Time limit to begin construction February 22, 1972

Time limit to complete construction ~~10-1-72~~ extended to extended to

Time limit to completely apply water ~~10-1-73~~ extended to extended to

Remarks: This appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

INSPECTION #1972-2
8-3-72
R.S.M.

NOI

DESIGN 17, VOL.

INFO: Mrs. Howard Paige } Custodian
Rt 1, Box 378-A }
Coos Bay, Oregon }

Mr. Paige says the 2 div. pts. have been in their present loc at least past 7 yrs since he has been maintaining the water system.

The S. div. pt is the primary source of water. A dam approx 20' wide forms a small pond about 30' long & 10' deep according to Paige. Pipe passes through the dam.

The div on the stream from the East is only used if the other Co is low. Haven't had it use it yet, but system is all hooked up to it. Now, the pond behind the dam or it is pretty silted & only 1 or 2' deep. Pipeline passes through the dam. Was several feet deep. Both dams are earth & rock fill.

We didn't inspect the Div. pts but Paige & a neighbor, Mr. Smith who used to use the same div. pt, both told us the same story.

Mr. Smith says the main div. pt may have been moved a little way some time ago.

Only a playing field & playground are in @ the new school as of now. Some area on S & W. side will be landscaped, but haven't been in yet.

Old school is being used a little yet, but no more since new school was built.

The old school may be torn down.

No storage tanks, only storage is formed by the small ponds @ div. pts.

USE - IRK. & school use - 150 student wash. Have used 525,100 gal since school was built 23 mos. ago.

LIFT - gravity flow 70 P.S.I. static, when no leaks according to Paige
APPROX 250' FALL BY QUAD SHEET

PIPE - Enough 1" plastic & guide hoses to reach.

2" plastic line from Div. pts. to new school

Have a purification ~~filtering~~ system & small settling tank at school.

HEADS - $\frac{5}{32} \times \frac{3}{32}$ - 3 ALL MAX. Measured 25 P.S.I. on heads, running

$$40 \text{ SQ } 25 \text{ P.S.I.} = \frac{3(4.8)}{250} = 0.032 \text{ C.F.S.}$$

CAP. 2" PIPE = APPROX 30 G.P.M.

TIE - Div. Pts OK. for INSPECTION, w/ & can see 26, A $\frac{3}{4}$ " I.D. R. B. Mucker
in to. 1. P.T.S.

8-3-72
F.E.



STATE
ENGINEER

RECEIVED

AUG 16 1973
STATE ENGINEER
SALEM, OREGON

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

File No. 46714

July 31, 1973

School District #9
P. O. Box 509
Coos Bay, OR 97420

Coos River

Gentlemen:

This will acknowledge the signed proof of the proposed certificate in connection with your permit number 34986.

If you will now submit the certificate recording fee of \$1.50, we will be able to issue the confirming certificate.

Very truly yours,

Vestal R. Garner

VESTAL R. GARNER
Assistant

VRG:tml

01/191.00 / 663728
Rita

46713

July 31, 1973

School District #9
P. O. Box 509
Coos Bay, OR 97420

Gentlement

This will acknowledge the signed proof of the proposed certificate in connection with your permit number 34986.

If you will now submit the certificate recording fee of \$1.50, we will be able to issue the confirming certificate.

Very truly yours,

VESTAL R. GARNER
Assistant

VRG;tml

30



**STATE
ENGINEER**

RECEIVED
JUL 30 1973
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

July 20, 1973

File No. 46714

CHRIS L. WHEELER
State Engineer

School District #9
P. O. Box 509
Coos Bay, OR 97420

Gentlemen:

Enclosed is the final proof in connection with the incomplete water right represented by your permit number 34986.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1.50, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

CHRIS L. WHEELER
State Engineer

Form 117
tml
Enclosure

We are also prepared at this time to issue the certificate of water rights confirming the changes in connection with your transfer #2361. Before we can issue the certificate, we must collect an additional recording fee of .50¢. This is due to an increase in fees effective January 1, 1972.

July 20, 1973

File No. 46714

School District #9
P. O. Box 509
Coos Bay, OR 97420

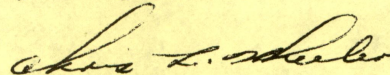
Gentlemen:

Enclosed is the final proof in connection with the incomplete water right represented by your permit number 34986.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1.50, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117
tml
Enclosure

~~We are~~ We are also prepared at this time to issue the certificate of water rights confirming the changes in connection with your transfer #2361. Before we can issue the certificate, we must collect an additional recording fee of .50¢. This is due to an increase in fees effective January 1, 1972.

August 4, 1971

46714
T-2361

H.G.E., Inc.
5th and Highland
Coos Bay, Oregon 97420

ATTENTION: R. H. Erichsen, P.E., President

Dear Mr. Erichsen:

We have not yet made the customary final proof survey in connection with School District No. 9's permit No. 34986 or their change in point of diversion and place of use of water so the proof of appropriation can be completed preparatory to the issuance of a certificate of water right.

I am not sure just when the final proof inspection will be made as we have a huge backlog of such surveys to be made. We will be sure the District's inspection is done the next time a field crew is sent into Coos County. In the meantime, the District's permit and order approving the change is valid evidence of their right to the use of water.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

July 26, 1971

RECEIVED
JUL 27 1971
STATE ENGINEER
SALEM OREGON

State Engineer's Office
Trevor Jones, Assistant
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Coos River Water Rights
Project #1187-A-69

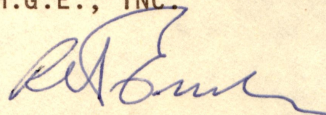
Dear Mr. Jones:

This is in regards to your letter of January 8, 1971, in reference to
File No. 46714, T-2361.

Please inform me if a certificate has been issued.

Very truly yours,

H.G.E., INC.



R. H. Erichsen, P.E.
President

RHE/na



ENGINEERS • PLANNERS

5TH AND HIGHLAND
COOS BAY, OREGON
269-1166

January 8, 1971

46714
T-2361

Mr. Robert W. Wade
Registered Land Surveyor
5th and Highland
Coos Bay, Oregon 97420

Dear Mr. Wade:

This will acknowledge return of School District No. 9's application 46714 and the application for change in place of use and point of diversion.

Application 46714 is in satisfactory form for approval by issuance of a permit and this will be included with the next group of permits to be issued.

The application for change is in order and we are preparing the notice of the proposed change for publication, a copy of which will be sent to Mr. Bedingfield and to you.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

cc: J. B. Bedingfield

RECEIVED
JAN 4 1970
STATE ENGINEER
SALEM, OREGON

December 31, 1970

Mr. Trevor Jones
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Coos River School Water Rights
Project #: 1187-A-69

Dear Mr. Jones:

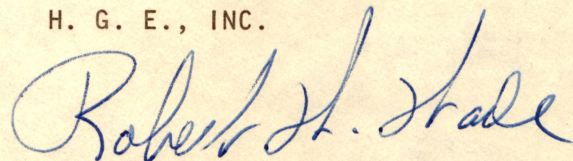
Pursuant to your letter of December 16, 1970, herewith enclosed are the applications for the subject, Coos River Water Rights.

Mr. Crowley, the District Clerk, has viewed the changes that you made, and has initialed same.

I sincerely hope that this will conclude the application and permit and that you can now issue the proper certificates.

Very truly yours,

H. G. E., INC.



Robert W. Wade,
Registered Land Surveyor

RWW/ke1

enclosures



ENGINEERS • PLANNERS

5TH AND HIGHLAND
COOS BAY, OREGON
269-1166

December 16, 1970

46714
13075
T-2361

Mr. Robert W. Wade
Registered Land Surveyor
5th and Highland
Coos Bay, Oregon 97420

Dear Mr. Wade:

We simply have not been able to keep pace with the number of applications, letters, and notices required at the end of the irrigation season and a large number of people have good reasons for requesting immediate action on their particular communication.

Mr. Erichsen's last letter said water use will be discontinued in only one house, not two as earlier claimed. I have made changes in the applications for this and also as outlined in my letter dated September 2, 1970.

The application for transfer is enclosed and should be examined, the changes initialed and the affidavit of applicant completed and notarized.

Slight changes were made in the application for a permit. I think "school building use" is more descriptive and general than "domestic use-school building" and there is no reason to restrict the irrigation to the athletic field instead of including all the school grounds. There were two typographical errors under "Remarks" also.

The application for permit has been endorsed so that in order to retain its date of priority, it should be returned to this office on or before February 16, 1971. Upon return of these applications we will prepare notice for publication and will keep these at the top of the stack.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosures

RECEIVED
DEC 15 1970
STATE ENGINEER
SALEM, OREGON

December 14, 1970

Mr. Trevor Jones
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Coos River School Water Rights
Project #1187-A-69

Dear Mr. Jones:

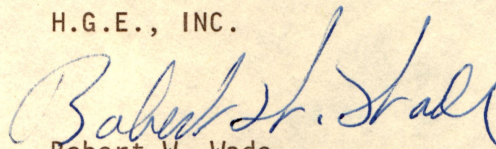
Not having received a reply to my correspondence of December 2, 1970,
I will again ask the question that is asked of me every day.

Exactly what is the status of this right at this time?

I am anxiously awaiting an answer.

Very truly yours,

H.G.E., INC.



Robert W. Wade
Registered Land Surveyor

RWW/na



ENGINEERS • PLANNERS

**5TH AND HIGHLAND
COOS BAY, OREGON
269-1166**

RECEIVED
DEC 3 1970

December 2, 1970

STATE ENGINEER
SALEM OREGON

Mr. Trevor Jones
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Coos River School Water Rights
Project #: 1187-A-69

Dear Mr. Jones:

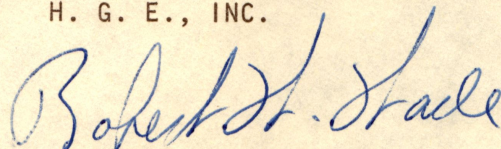
Reference is hereby made to your correspondence of September 2, 1970, relative to the water rights for the Coos River School in School District number 9.

Our answer and authorization letter was sent to you on September 22, 1970.

We have been asked as to the status of this right, and as we have heard nothing futher, I wonder if you could let me know.

Very truly yours,

H. G. E., INC.



Robert W. Wade
Registered Land Surveyor

RWW/ke1



ENGINEERS • PLANNERS

5TH AND HIGHLAND
COOS BAY, OREGON
269-1166

■ HARLAN ■ GESSFORD ■ ERICHSEN
ARCHITECTS ENGINEER

5TH & HIGHLAND TELEPHONE 269-1166 COOS BAY, OREGON 97420
520 OREGON PIONEER BLDG. TELEPHONE 226-6236 PORTLAND, OREGON
97204

September 22, 1970

RECEIVED
SEP 23 1970
STATE ENGINEER
SALEM OREGON

Mr. Trevor Jones
Assistant, State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Dear Mr. Jones:

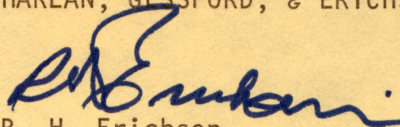
Referring to your letter dated September 3, 1970, addressed to Mr. Bedingfield, Attorney for School District #9, I find in reviewing all your answers, that we concur with you in splitting the water usage between the existing school, and the new school. When the existing school is phased out within five years, we will transfer the water usage to the new school building, if any.

We do not wish to discontinue water usage in the two residences, in as much as one is still occupied.

Referring to the paragraph on the bottom of page 3 of said letter, this letter gives you authority to make the necessary changes in the application, where by we can obtain the final water rights.

Very truly yours,

HARLAN, GESSFORD, & ERICHSEN


R. H. Erichsen
Managing Partner

RHE/klna

BEDINGFIELD, GRANT AND BEDINGFIELD

ATTORNEYS AT LAW

FITZPATRICK BUILDING

COOS BAY, OREGON 97420

J. B. BEDINGFIELD
D. J. GRANT
J. B. BEDINGFIELD, JR.

P. O. BOX 29
TELEPHONE 267-2181

September 16, 1970

RECEIVED
SEP 18 1970
STATE ENGINEER
SALEM OREGON

State Engineer of Oregon
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Your files numbered 1307546714 and
transfer 2361

Attention: Mr. Trevor Jones
Assistant

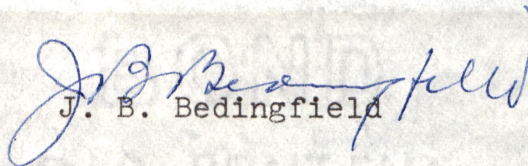
Dear Mr. Jones:

We thank you for your letter of September 2, which was on the writer's desk on his return from a two weeks vacation this week. I appreciate the detail in which you have gone to in advising me of the condition of the record and the rights of the School District in the water which is the subject of this correspondence.

We are submitting a copy of your letter to our engineers and we will meet with them and discuss this whole matter with the view of getting at the correct procedure and getting it wound up.

Very truly yours,

BEDINGFIELD, GRANT & BEDINGFIELD


J. B. Bedingfield

JBB/ph

September 2, 1970

13075
46714
Transfer 2361

Bedingfield, Grant and Bedingfield
Attorneys at Law
Fitzpatrick Building, P.O. Box 29
Coos Bay, Oregon 97420

ATTENTION: J. B. Bedingfield and
J. B. Bedingfield, Jr.

Gentlemen:

I should have written the last letter regarding the application of School District No. 9 to include answers to your questions which would have made it more clear. I will number the answers to agree with the questions.

1. Certificate 21693 describes the right to appropriate the quantity of water beneficially used for the school, janitors residence and teachers residence not to exceed 0.06 cubic foot per second.
2. The priority date is October 16, 1929.
3. The diversion point is located in the certificate as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 25 South, Range 12 West, W.M. This is an obvious clerical error and Section 34 should have been listed.
4. We do not have record of the flow of this stream involved.
5. A water right exists for use from one stream only.
6. No mention was made of irrigation of athletic fields in the application and permit and there is no record of this use when proof was submitted. I don't believe this is included in a right for "domestic supply for school house." We would not take issue with irrigation of shrubbery and lawns around the building to the extent these are part of the landscaping.

September 2, 1970

7. The proposed change is from use in two residences to school use so we are required by ORS 540.520 (2) to publish notice. The place of use of water from use in one school building to school use in another building does not require notice.

8 & 9. Parts of my earlier suggestions regarding proper applications are based on this information which was submitted earlier.

10. If the use of water in the two residences was not discontinued for five years or more before the transfer application was filed in April 1970, the application for change in use is proper. Until the application for change in use is approved by the State Engineer, the District does not have the right to use the quantity of water formerly used at the residences at either school site.

11 & 12. Answered in detail in later explanation of my earlier suggestions.

13. The only action other persons can take following publication of notice is to protest the approval of the application to change the use from the residences to the new school building. The protestant would have to submit a detailed statement of how he would be injured if the change was allowed. If a valid protest was filed the State Engineer would hold a hearing to take evidence prior to rendering a decision. I fail to see how a change from use in two residences to use in a school in like quantity could cause injury to another right. If the claim was made that the right to use of water in the residences was lost by non-use, action as provided by ORS 540.610 through 540.641 is required and this claim is not proper under ORS 540.520 and 540.530.

If the application for approval of a change in use and place of water is changed as I suggested and the application is approved, the School District would have a right under the original date of priority to appropriate not exceeding 0.06 cubic foot per second (the original quantity) from the unnamed stream at the diversion point located by the District's engineer. This does not result in any loss of right or change in date of priority.

There are two changes in use of water involved. One is a result of the new construction requiring part of the water heretofore used in the old building. The second is the discontinuance of water in two residences. The use of water in a single family residence does not usually exceed 600 gallons per day which includes lawn and garden irrigation of an ordinary lot. The original

September 2, 1970

right did not divide the 0.06 cubic foot per second between the uses listed but I think that the quantity of water heretofore used in the two houses did not exceed 0.002 cubic foot per second. According to the information submitted there is to be no reduction in school size so there is no water available for irrigation. Specifically, I believe the application should be changed to change the type of use for 0.002 cubic foot per second from domestic use in two houses to school use at the new location and to change the place of use of 0.02 cubic foot per second from the old school location to the new building location. This leaves 0.038 cubic foot per second for the old building and allows 0.022 cubic foot per second at the new building for a total of 0.06 cubic foot per second. The date of priority is not changed from the original and neither is the total quantity.

Whenever the old building is completely abandoned and the new facilities enlarged an application for change of place of use for the quantity left for the gym and cafeteria could be made.

If the total area to be irrigated does not exceed 13.0 acres, the new application for a permit does not need change.

When both applications are approved and assuming beneficial use of water is made to the limits of the permit and transfer, the School District will have a right to appropriate the quantity of water beneficially used not exceeding 0.06 cubic foot per second from the southerly diversion point for use in the old and new school buildings under a priority date of October 16, 1929.

The permit approving the second application when issued will be for the appropriation of not to exceed 0.183 cubic foot per second from the stream on which the southerly diversion point is located with any deficiency in the available supply to be made up by appropriation from the tributary stream at the easterly diversion point. The use of water will be for irrigation of 13.0 acres and school use. The water for use in the two school buildings will be restricted to the tributary stream under this permit because the original right covers all the water needed from the main stream. The priority date for this will be April 17, 1970.

I have spent considerable time on this and believe on the basis of the information I have, it protects the School District to the fullest extent possible. I will make the necessary changes on receipt of authorization if you agree with this or I will return this for correction if you prefer.

September 2, 1970

Frankly I do wonder if an application for approval for the change in use from the two residences to use in the school building is worthwhile. Assuming maximum use in two houses was 0.002 cubic foot per second or approximately 1200 gallons per day, 0.058 cubic foot per second or about 37,490 gallons per day remains for school use. I do not have enrollment figures or know if State school standards set a minimum figure for water, but I believe this to be more than adequate for the school. If you abandoned the use in the houses and dealt with school use only to change the place of use for part of the water and the diversion point, no publication is required and no delay caused by publication. The right reduces slightly but I wonder if the difference is critical. I am not pressing this approach, but offer it only for your consideration.

Very truly yours,

Trevor Jones
Assistant

TJ:cjs

June 30, 1970

2361
46714

Bedingfield, Grant and Bedingfield
Attorneys at Law
Fitzpatrick Building
Coos Bay, Oregon 97420

ATTENTION: J. B. Bedingfield

Dear Mr. Bedingfield:

The application you submitted in the name of School District No. 9 for approval of a change in point of diversion, place of use, and type of use has been filed as Transfer 2361. Our receipt No. 18314 covering the \$25.00 submitted is enclosed.

The application as prepared requests a change in type of use of 0.02 cubic foot per second of water to irrigation of 2.0 acres. The only use of water being discontinued is for the two residences and I question the quantity claimed. Five or six hundred gallons per day per house is a high figure for domestic use even with yard irrigation included and this is less than 0.002 cubic foot per second of water for the two. There is no reduction in the school size, so the use of 0.02 cubic foot per second of water for irrigation would constitute an enlargement of the right. You could not transfer a part of the water from school use to irrigation and make it up by including a like quantity in your application for a permit. School use is normally made other than during the irrigation season and the irrigation during the summer months.

The application for a permit to appropriate water from the two streams includes 0.02 cubic foot per second of water for the school. I think a better course is to delete the reference to irrigation from the transfer application and add the change from the residence to school use. Also delete the 0.02 cubic foot per second of water for school use from the application for permit and add the irrigation of 2.0 acres. The use for school at both locations would then have the same priority date and the irrigation of the grounds at both locations would be under the new permit.

J. B. Bedingfield

-2-

June 30, 1970

The change in use from use in the two residences requires publication of notice of the proposed change and for this we require a deposit of \$30.00. Also give us the name of the newspaper of your choice in Coos County for the publication.

If the changes I suggest are made, the recording fees submitted are correct.

I had written earlier regarding application 46714 but should have gone over the transfer application more closely before doing so.

Further action on these applications will be withheld until you have had an opportunity to reply to this letter.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosure

46714

May 4, 1970

Bedingfield, Grant and Bedingfield
Attorneys at Law
Fitzpatrick Building
Coos Bay, Oregon 97420

ATTENTION: J. B. Bedingfield

Dear Mr. Bedingfield:

This will acknowledge return of application No. 46714 filed by School Dist. No. 9 for a permit to appropriate 0.02 cubic feet of water per second for school use and 0.163 cubic feet per second for irrigation of school grounds from an unnamed stream with any deficiency in the available supply to be made up by diversion from a second unnamed stream and maps showing the diversion points and places of use.

Also acknowledged is a fee of \$35.00, ten dollars of which is credited to this application and \$25.00 to the application for change in point of diversion and place of use. Our receipt number 18313 covering \$10.00 is enclosed. We will write a separate letter dealing with the change in use application and fees.

The application is in satisfactory form for approval by issuance of the permit.

Very truly yours,

Trevor Jones
Assistant

TJ:reo
Enclosure
cc Harlan, Gessford and Erichsen

■ HARLAN ■ GESSFORD ■ ERICHSEN
ARCHITECTS ENGINEER

5TH & HIGHLAND

TELEPHONE 269-1166

COOS BAY, OREGON 97420

April 16, 1970

Mr. Trevor Jones
Oregon State Engineers Office
516 Public Service Building
Salem, Oregon, 97310

RECEIVED
APR 17 1970
STATE ENGINEER
SALEM, OREGON

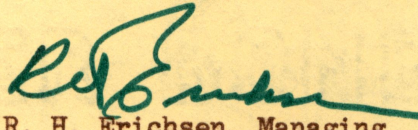
Dear Mr. Jones;

Enclosed please find the Application for Permit to Appropriate the Public Waters of the State of Oregon and the Application for Transfer of Water Right. Also enclosed are two (2) sepia's showing water line location and Property Map of the Coos River School Site. Also a check for \$35.00

Thank you for your help extended to Mr. Robert Wade and Mr. Bedingfield.

Very truly yours,

Harlan, Gessford & Erichsen


R. H. Erichsen, Managing
Partner

RHE/rf

encl: (5)

cc: J. Bedingfield Sr.
Attorney for Sch. Dist #9

M E M O

April 7, 1970

Applications 8068
8593
46714

No use of water has been made under certificates 21691 and 21692 for several years and I do not believe that School District #9 (successors to permit holders) has no further interest. When application 46714 is returned we should request cancellation.

Trevor Jones
Assistant

TJ:mfb

BEDINGFIELD, GRANT AND BEDINGFIELD

ATTORNEYS AT LAW

FITZPATRICK BUILDING

COOS BAY, OREGON 97420

J. B. BEDINGFIELD
D. J. GRANT
J. B. BEDINGFIELD, JR.

P. O. BOX 29
TELEPHONE 267-2181

March 27, 1970

RECEIVED
MAR 30 1970
STATE ENGINEER
SALEM OREGON

*1100
J. B. Bedingfield, Jr.*

*Planned
3-30-70*

State Water Resources Board
500 Public Service Building
Salem, Oregon 97310

Attention: Trevor Jones

Gentlemen:

The writer has reviewed the correspondence between yourselves and the Engineer for School District No. 9, Roy H. Erichson, relative to water rights of said school district and change of place of use and purposes. Also the writer has reviewed the application to appropriate water which was sent out by Mr. Erichson's office and returned by you to his office; and also the application as prepared by you and sent to Mr. Erichson's office.

Apparently both of these documents contain errors as to descriptions of place of diversion from the source of water. To eliminate and possibly avoid confusion with respect to priorities, water rights, etc. of School District 9, Mr. Erichson's surveyor, Mr. Robert Wade, and the writer desire to come to Salem and have a conference with you to make certain that we all understand what is desired and also that we all understand the facts relating to this situation and so that proper application can be made for filing on a source located in the southwest quarter of the northeast quarter in Section 34, Township 25 south, Range 12 west, Willamette Meridian. Also so that corrections can be made, if necessary, in the existing records and filings and in the permits granted to School District 36, which has been consolidated into School District No. 9, Coos County.

It is desired that we get water right certificates showing the correct descriptions of water sources and correct descriptions of place of use and of uses to be made of the water.

BOND

RECEIVED

State Water Resources Board
March 27, 1970
Page 2

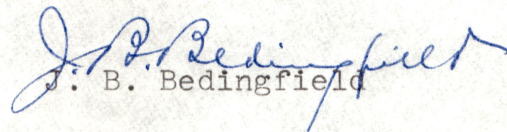
Will you please arrange your calendar so that we can meet with someone in your organization and get these matters straightened out and proper documents filed and correct water certificates issued.

We would like to meet with you prior to April 15, and we'd like to suggest, if possible, that we meet with you in the early afternoon, thereby enabling us to get to Salem before the meeting and to return home after the meeting. Please advise us of available date.

Thanking you, we are

Very truly yours,

BEDINGFIELD, GRANT & BEDINGFIELD


J. B. Bedingfield

JBB/ph

cc: Mr. Robert Wade
c/o Harlan, Gessford & Erichson
405 North 5th St.
Coos Bay, Oregon

BVB CONTENTS

BOMB

EBVA2VBF

46714

----- 1178 Chemeketa St. NE

March 19, 1971

School Dist. No. 9
P.O. Box 509
Coos Bay, OR 97420

Gentlemen:

print of your application map.

46714, permit No. 34986, with a

46714
13075
19204

March 5, 1970

Harlan, Gessford and Erichsen
Architects and Engineer
5th and Highland
Coos Bay, Oregon 97420

ATTENTION: R. H. Erichsen, Managing Partner

Dear Mr. Erichsen:

I have prepared an application for approval of a change in place of use and point of diversion of water for School District No. 9 for the right perfected under permit No. 9319. This has been prepared from our records on the assumption that no part of the right has been forfeited by failure to use the water for a period of five successive years. If the District agrees with the application as prepared, the affidavit of applicant should be completed by an authorized representative of the District and the application returned together with fees of \$35.00.

If the changes in the school will result in the irrigation of a considerably larger area, such as a new athletic field on the new building grounds, the application for a permit to appropriate water from a secondary source could also include a quantity from the primary stream for the additional irrigation.

The application for a permit to appropriate 0.6 cubic foot per second of the waters of an unnamed stream submitted by the School District has been filed as application No. 46714. Also submitted were prints of maps showing the point of diversion and place of use and fees of \$20.00 for which our receipt No. 17732 is enclosed.

The application should request a permit to use water only from the secondary source so the location of diversion point No. 1 should be deleted from Item No. 4 and under "Remarks" include the information that the stream is a supplemental and/or emergency source. If you believe that additional water for irrigation will be required from the primary source at the southerly

March 5, 1970

diversion point, this could be included in the application. In such case, Item No. 1 should list two unnamed streams and both diversions should be left in Item No. 4 and an additional quantity of water for irrigation in Item No. 2 as well as an appropriate entry in Item No. 8.

We will also need transparencies of the maps submitted and if irrigation is to be added to the application, the irrigated area and number of acres must also be added to the map.

I believe these courses of action will protect the use of the School District. We believe the certificate issued in evidence of the right is valid, assuming the right was not lost by nonuse, despite the obvious error in the location of the diversion point. All other records concerning this right locate the diversion point in Section 34 and I could not agree with any claim that the right was voided simply because the diversion point is listed in Section 27 on the certificate.

There was a permit issued to George Smith for the appropriation of 1.1 cubic feet per second of the waters of Smith Creek which apparently is the school's source of water, so filing an application for a new permit just to correct the description of the diversion point does not seem to me to be the best course of action.

Permit No. 14798 which was issued approving application No. 12904 was canceled June 19, 1957, by authorization. The total quantity of water the system would deliver was covered by the first permit and proof could not be made with additional water under permit No. 14798.

Application No. 46714 is being returned endorsed so that in order to retain the priority date it must be returned to this office on or before May 4, 1970.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosures

■ HARLAN ■ GESSFORD ■ ERICHSEN
ARCHITECTS ENGINEER

5TH & HIGHLAND

TELEPHONE 269-1166

COOS BAY, OREGON 97420

March 3, 1970

RECEIVED
MAR 4 1970
STATE ENGINEER
SALEM, OREGON

Mr. Trevor Jones, Assistant
Water Resources Department
516 Public Service Building
Salem, Oregon, 97310

Re: Project# 1187
Coos River Water Rights

Dear Mr. Jones:

Enclosed is a copy of a letter from Mr. J. B. Bedingfield, Sr., Attorney for School District #9, in regard to the Coos River School Water Rights.

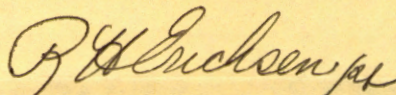
His letter and tabulations of the water rights file should be self explanatory. I think you should proceed with the new application to file on water where it is actually being taken at the source, to clear up any doubt.

Referring to paragraph three of Mr. Bedingfield's letter you will see he feels the same.

Your early attention to this matter will be appreciated.

Very truly yours,

HARLAN, GESSFORD & ERICHSEN



R. H. Erichsen, Managing Partner

RHE/rf
encl

cc: J. Bedingfield Sr.