

Wildwood

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Robert & Michelle Johnson		PHONE (HM) 541 672-5301	
PHONE (WK)	CELL 541 643-0335	FAX	
MAILING ADDRESS 106 Impala Drive			
CITY Roseburg	STATE OR	ZIP 97470	E-MAIL * impaladrive@gmail.com

Organization

N/A

NAME		PHONE		FAX	
MAILING ADDRESS			CELL		
CITY	STATE	ZIP	E-MAIL *		

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

N/A

AGENT / BUSINESS NAME		PHONE		FAX	
MAILING ADDRESS			CELL		
CITY	STATE	ZIP	E-MAIL *		

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Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate

<u>Robert L. Johnson</u> Applicant Signature	<u>Robert L. Johnson</u> Print Name and Title if applicable	<u>Aug 21, 2024</u> Date
<u>Michelle L. Johnson</u> Applicant Signature	<u>Michelle L. Johnson</u> Print Name and Title if applicable	<u>Aug 19, 2024</u> Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (Attach additional sheets if necessary).

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. Parcel 2 of Exhibit A of Deed Record 2021-016457 (included herewith)

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: North Umpqua River	Tributary to: Umpqua River
TRSQQ of POD: 26S SW 16 SESW corner of SW 1/4	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

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B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: WATER USE

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Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af): (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
N. Umpqua River	Domestic Expanded	Jan 1st to Dec 31 year round	0.005 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: *one household plus 0.5 acre non-commercial lawn/garden*
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): *1 hp submersible*
- Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. *Pipe from River to house, holding tank, water purification system in house or nearby structure. Pump housed in screened steel pipe enclosure for easy servicing*

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler), *Typical domestic pressure tank, household plumbing and hose bibs for rainbird sprinklers.*

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters. *High efficient fixtures in house. No over watering, hoses on timers when not home.*

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

Installation will be performed by a licenced pump contractor.

Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions:

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation:

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation:

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions:

List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: *Upon approval of application*
- b) Date construction will be completed: *within 1 year*
- c) Date beneficial water use will begin: *upon completion of construction*

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

A water right easement serving neighboring homes has a POD on this property. See Johnson to Meyers waterline Easement Agreement.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 2110 - See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot identified clearly.

- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery *0.5 acres around house - location to be determine*
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- n/a*

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

For Department Use: App. Number: _____

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Land Use Information Form

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

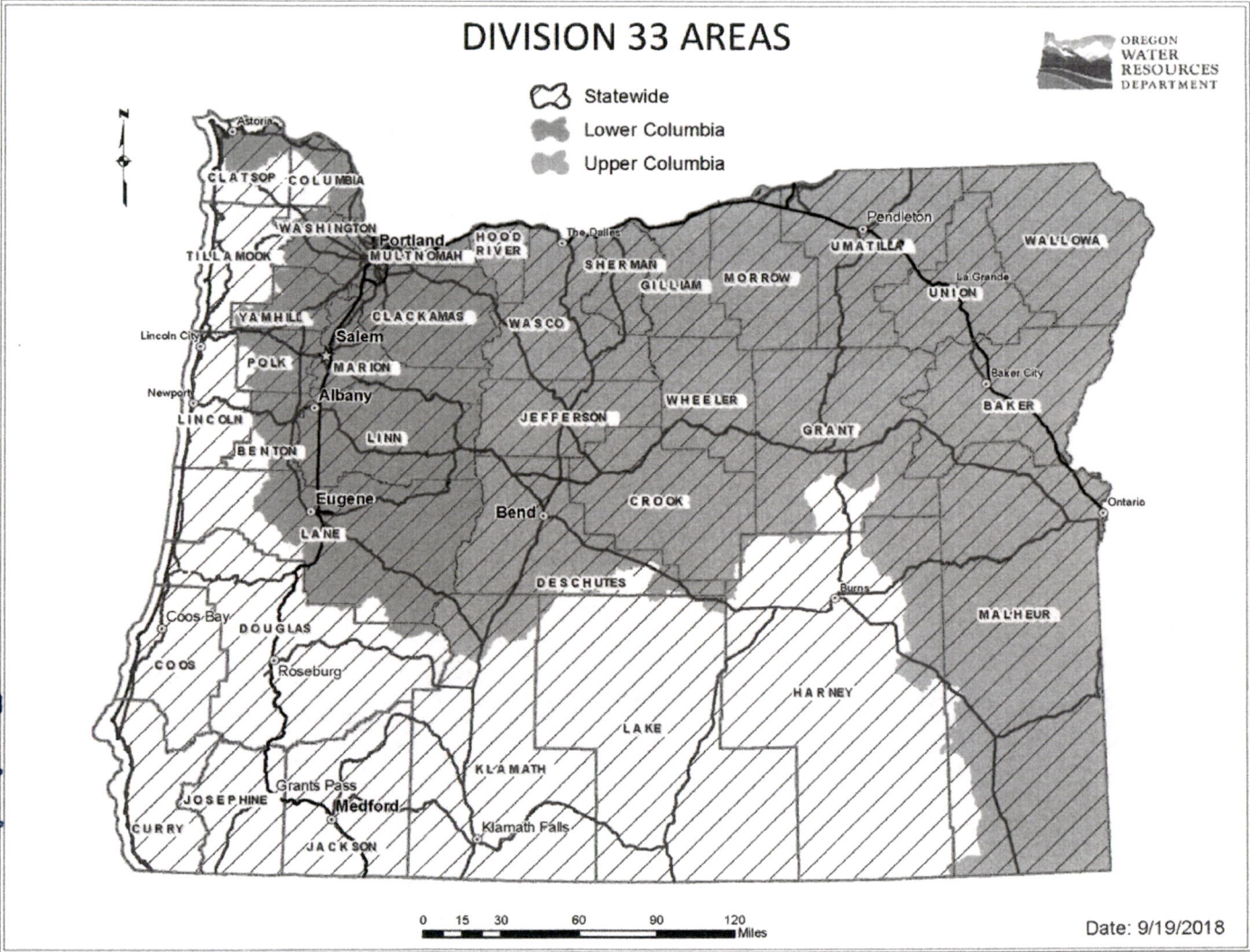
The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Figure 1: Map of Division 33 Areas



For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NAME: Robert L. & Michelle L. Johnson			PHONE: 541 672-5301	
MAILING ADDRESS: 106 Impala Drive				
CITY: Roseburg	STATE: OR	ZIP: 97470	EMAIL: impaladrive@gmail.com	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
26S	5W	16	SESW corner of SW ¼	1300	Domestic Expanded	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Household & irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Douglas County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water
- Water Right Transfer
- Permit Amendment or Ground Water Registration Modification
- Limited Water Use License
- Exchange of Water
- Allocation of Conserved Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) North Umpqua River

Estimated quantity of water needed: 0.005 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

Domestic expanded water right application.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): SR; LUDO Section 3.8.050.1
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

<u>R31180; SR zone</u> <u>see worksheet 240840</u>	DOUGLAS COUNTY PLANNING DEPARTMENT ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470
---	---

Name: CARLI SCHOFIELD Title: PLANNING TECH III

Signature: *Carli* Date: 8-21-24

Governmental Entity: DOUGLAS COUNTY Phone: 541-440-4289

Receipt Acknowledging Request for Land Use Information	
<p>Note to Local Government Representative: Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.</p>	
Applicant Name: _____	
Staff Name: _____	Title: _____
Staff Signature: _____	Date: _____
Governmental Entity: _____	Phone: _____



200.0 0 100.01 200.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1" = 100'

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Deed

Douglas County Official Records Daniel J. Loomis, County Clerk	2021-016457 08/13/2021 03:37:01 PM
DEED-BS Cnt=1 Stn=17 RRHARRIS \$20.00 \$11.00 \$10.00 \$60.00	\$101.00

DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

**DO NOT REMOVE THIS PAGE FROM ORIGINAL
DOCUMENT**

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

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Until Further Notice, Send Tax
Statements To:
Robert L. Johnson and Michelle L. Johnson,
Trustees of the Robert L. Johnson and Michelle L. Johnson
Joint Revocable Living Trust
106 Impala Dr.
Roseburg, OR 97470

Grantor:
Robert L. Johnson and Michelle L. Johnson

Grantee:
Robert L. Johnson and Michelle L. Johnson,
Trustees of the Robert L. Johnson and Michelle L. Johnson
Joint Revocable Living Trust

After Recording, Return To:
Jeff Mornarich
Dole Coalwell
810 SE Douglas Ave.
Roseburg, OR 97470

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BARGAIN AND SALE DEED

Robert L. Johnson and Michelle L. Johnson, Grantors, conveys to Robert L. Johnson and Michelle L. Johnson, Trustee of the Robert L. Johnson and Michelle L. Johnson Joint Revocable Living Trust dated August 9, 2021, Grantees, that certain real property more particularly described in the attached Exhibit A.

The true consideration for this conveyance is the transfer to a trust.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 17, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY

OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 8/9/2021

Robert L. Johnson
Robert L. Johnson

Michelle L. Johnson
Michelle L. Johnson

STATE OF OREGON)
)ss.
County of Douglas)

This instrument was acknowledged before me this 9th day of August, 2021, by Robert L. Johnson and Michelle L. Johnson.



Michelle Marie Punches
Notary Public for Oregon
My Commission Expires: 10/31/2022

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Exhibit A

Parcel 1:

Lot 20, Wildwood Subdivision, as recorded in Volume 13, Page 26, of the Plat Records of Douglas County, Oregon.

ALSO, that portion of Lot 21 of said Wildwood Subdivision lying Easterly of a line, beginning at a 5/8" iron rod on the southerly right-of-way of Impala Drive, which bears North 47° 57' 41" West 90.26 feet from the Northwest corner of Lot 20, Wildwood Subdivision; thence extending South 48° 03' 26" West 252.48 feet to a 5/8" iron rod; thence continuing South 48° 03' 26" West 55 feet, more or less, to the Southwesterly boundary of Lot 21, Wildwood Subdivision.

Parcel 2:

Lot 22, Wildwood Subdivision, as recorded in Volume 13, Page 26, of the Plat Records of Douglas County, Oregon.

ALSO, that portion of Lot 21 of said Wildwood Subdivision lying Westerly of a line, beginning at a 5/8" iron rod on the southerly right-of-way of Impala Drive, which bears North 47° 57' 41" West 90.26 feet from the Northwest corner of Lot 20, Wildwood Subdivision; thence extending South 48° 03' 26" West 252.48 feet to a 5/8" iron rod; thence continuing South 48° 03' 26" West 55 feet, more or less, to the Southwesterly boundary of Lot 21, Wildwood Subdivision.

Parcel 3:

EXHIBIT "A"

Beginning at a 5/8" iron rod in the West right of way of Douglas County Road No. 200, said rod being 797.80 feet North and 124.27 feet East of the quarter corner common to Sections 23 and 14, Township 26 South, Range 5 West, W.M.; thence North 88° 26' West 956.16 feet to a 5/8" iron rod; thence continuing North 88° 26' West 73.13 feet to a 5/8" iron rod; thence continuing North 88° 26' West 223.99 feet to a 5/8" iron rod; thence continuing North 88° 26' West 105.0 feet more or less to the Easterly low water bank of the North Umpqua River; thence Southerly along the low water bank of the North Umpqua River 190.0 feet more or less to a point that is South 8° 28 1/2' West 165.00 feet and North 88° 26' West from the point of beginning; thence South 88° 26' East 95.0 feet more or less to a 5/8" iron rod; thence continuing South 88° 26' East 282.63 feet to a 5/8" iron rod; thence continuing South 88° 26' East 123.93 feet to a 5/8" iron rod; thence continuing South 88° 26' East 936.30 feet to a 5/8" iron rod in the West right of way of Douglas County Road No. 200; thence Northerly along the West right of way of Douglas County Road No. 200, North 8° 28 1/2' East 165.00 feet to the point of beginning. All in Section 14, Township 26 South, Range 5 West, W.M., Douglas County, Oregon.

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WATERLINE EASEMENT AGREEMENT
JOHNSON TO MYERS

This Easement Agreement is hereby made and entered into by and between ROBERT L. JOHNSON and MICHELLE L. JOHNSON (hereinafter referred to as "Johnson") and HARRY KENT MYERS and LOIS EILEEN MYERS (hereinafter referred to as "MYERS") on the date hereinbelow provided:

(1) EASEMENT: Johnson does hereby convey to Myers and to Myers' heirs, successors and assigns, a Perpetual, Nonexclusive Easement, which Easement Area shall be ten feet (10') in width. Said Easement Area shall be located:

In the ten feet (10') which are Northwest of the Southeast Boundary Line of Johnson's real property. The Southeast Boundary of the Johnson real property is more particularly described as follows:

That certain line which bears South 48°00'50" West, approximately 305.03 feet, along the Southeast Line of Lot twenty-two (22), Wildwood, Douglas County, Oregon. (Said Lot has been assigned Tax Lot 1300.)

And located:

In the ten feet (10') which are Southwest of the Northeast Boundary Line of Johnson's real property. The Northeast Boundary of the Johnson real property is more particularly described as follows:

That certain line which bears N 42°57'41" W, approximately 110 feet, along the Northeast Line of Lot twenty-two (22), Wildwood, Douglas County, Oregon. Said Line is also the South Line of "Impala Drive."

The Easement Area is further described and defined in Paragraph (2) below.

(2) PURPOSE: Said Easement is for the purpose of providing water from the North Umpqua River and for providing an underground water line, including installation, placement, construction, reconstruction, improvement, repair and/or inspection. The terrain and topography of the servient estate may be such that actual physical location of the water line in the Easement Area may be impracticable or inconvenient. Myers shall utilize the existing said underground

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2006-004937

Page 1 - EASEMENT AGREEMENT (WATE



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\$25.00 \$11.00 \$5.00

water line as may be practicable. Provided however: Myers shall first obtain the consent and approval of Johnson to locate any part or portion of the water line outside of the Easement Area described above. In the event that actual physical placement of the water line differs from or is outside of the Easement Area described above, the actual area of physical placement of the water line in the ground shall be and become the Easement Area. In such case, the Easement Area described in this Easement Agreement shall be a 10' area, 5 feet on either side of the actual physical location of the water line as the same is placed in the ground.

(3) EASEMENT EXPENSE: The cost and expense of the inspection, construction, reconstruction, improvement, installation and/or repair of the water line shall be born by Myers, their heirs, successors and assigns.

(4) INCIDENTAL AREA: Johnson also grants to Myers, their heirs, successors and assigns, a Perpetual, Nonexclusive Easement over the Servient Estate (more particularly described, infra), for the purpose of taking all steps reasonably necessary and/or reasonably convenient, including but not limited to for ingress and egress, for the inspection, construction, reconstruction, improvement, installation and/or repair of the underground water line and/or Easement Area.

(5) WATER LINE EXCLUSIVE: The Easement Area described herein is non-exclusive, and Johnson, their heirs, successors and assigns shall have a right to use and occupy, jointly with Myers, the Easement Area. In no event shall Johnson, their heirs, successors and assigns have a right to use, hook up to, and/or occupy the water line or water in the water line placed and installed by Myers.

(6) MANNER OF USE OF EASEMENT AREA/INDEMNITY: Johnson, their heirs, successors and assigns and Myers, their heirs, successors and assigns shall use and occupy the Easement Area such that one another's improvements, including but not limited to water line improvements and/or septic line improvements, are not hindered, damaged, delayed or otherwise harmed. Johnson, their heirs, successors and assigns and Myers, their heirs, successors and assigns, each hereby mutually agree to reimburse and indemnify the other for any and all damage, liability, costs, expense, suit, action or proceeding, arising out of or in connection with any property damage caused by them.

(7) LITIGATION EXPENSE: In the event that a dispute arises over the terms, conditions or enforcement of this Easement Agreement, the unsuccessful party, their heirs, successors and assigns, shall pay to the prevailing party, their heirs, successors and assigns, any and all litigation expense incurred by the prevailing party. Litigation expense includes, but is not limited to: (a) reasonable attorney fees, whether incurred before, during or after legal proceedings are commenced, or before, during or after an appeal; (b) the fees and expenses of investigators, experts and/or surveyors; (c) the fees and expense of title reports, title searches and title insurance; (d) the fees and expenses of depositions; and (e) any and all other out-of-pocket expenses incurred in connection with or arising out of the parties' dispute.

(8) PRIOR ENCUMBRANCES: The Easement granted herein is subject to all prior easements, liens and encumbrances of record.

(9) HEIRS/SUCCESSORS: This Agreement and Easement are intended to and shall bind and inure to the benefit not only of the immediate parties hereto, but also the respective heirs, devisees, administrators, executors, assigns and successors in interest.

(10) MYERS' REAL PROPERTY: The Easement described herein shall be appurtenant to and benefit Myers' real property, which is more particularly described as follows:

In Instrument 2005-016744 of Douglas County Records:

See Exhibit "A" attached hereto.

(11) SERVIENT ESTATE: The servient estate to be burdened by the herein described easement is Johnson's real property, which real property is more particularly described as follows:

Lot twenty-two (22), Wildwood, Douglas County, Oregon. Tax account number 44672.00.

Tax Lot 1300.

(12) LEGAL REPRESENTATION: In the negotiation and preparation of this Easement Agreement, the law firm of Ronald S. Yockim has represented Myers, only. All other parties have been advised to obtain the independent advice of their own Attorney at Law.

(13) ORS 93.040 NOTICE: "THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

"THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE

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APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES."

DATED and SIGNED this 10th day of February, 2006.

"JOHNSON"

Robert L. Johnson
Robert L. Johnson

Michelle L. Johnson
Michelle L. Johnson

"MYERS"

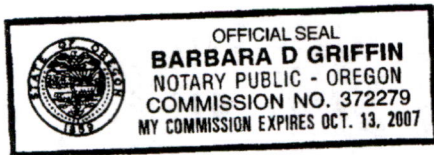
Harry Kent Myers
Harry Kent Myers

Lois Eileen Myers
Lois Eileen Myers

STATE OF OREGON)
) ss.
County of Douglas)

Personally appeared before me the above named ROBERT L. JOHNSON and MICHELLE L. JOHNSON, and they did acknowledge the foregoing instrument to be their voluntary act and deed.

Before me this 10th day of February, 2006.

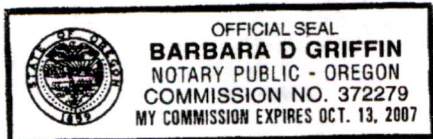


Barbara D. Griffin
Notary Public for Oregon
My Commission Expires: 10/13/07

STATE OF OREGON)
) ss.
County of Douglas)

Personally appeared before me the above named HARRY KENT MYERS and LOIS EILEEN MYERS, and they did acknowledge the foregoing instrument to be their voluntary act and deed.

Before me this 10th day of February, 2006.



Barbara D. Griffin
Notary Public for Oregon
My Commission Expires: 10/13/07

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EXHIBIT 'A'

Legal Description:

Parcel 1: A parcel of land lying in Section 16, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, and being described as follows: Said parcel also being known as Unit 1 of that certain Boundary Line Adjustment recorded in Douglas County Surveyor Map File No. M130-1, records of Douglas County Surveyor's Office and being described as follows: Beginning at a 5/8" iron rod on the Southerly right of way of Sable Drive, said point being the most Northerly corner of that parcel described in Douglas County Deed Records, Instrument No. 82-10450, said point also bears North 46° 43' 57" West 2593.82 feet from the South Southwest corner of Moody French Donation Land Claim No. 40 in Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon; thence South 16° 38' 53" West 927.04 feet along the Northwesterly line of said parcel to a 5/8" iron rod at the most Westerly corner of said parcel and the true point of beginning; thence South 50° 24' 15" East 174.56 feet along the Southwesterly line of said parcel to a 5/8" iron rod; thence South 50° 19' 22" East 130.20 feet; thence North 43° 14' 21" East 796.72 feet; thence North 89° 14' 45" West 662.39 feet along the adjusted boundary line as set forth on said Boundary Line Adjustment; thence South 16° 38' 53" West 411.79 feet to the true point of beginning.

Parcel 2: A parcel of land lying in the South half of Section 16, Township 26 South, Range 5 West, Willamette Meridian, Douglas County, Oregon and described as follows: Commencing at the Northwest corner of Unit No. 2 of Boundary Line Adjustment Survey No. M130-1, Map Records, Douglas County Surveyor's Office and being Douglas County Planning Department File No. 98-093, from which point the South Southwest corner of Moody French Donation Land Claim No. 40, Township 26 South, Range 5 West, Willamette Meridian, bears South 46° 43' 57" East 2593.82 feet per Land Partition No. M104-08, Book 10, Page 7, Land Partition Records Douglas County, Oregon; thence South 16° 38' 53" West (record South 16° 39' 32" West) 515.25 feet; thence South 89° 14' 45" East 662.39 feet to an iron rod set in the Southerly right of way line of Sable Drive, being the true point of beginning of the herein described parcel; thence North 89° 14' 45" West 36.84 feet to a 5/8" iron rod; thence North 40° 45' 08" East 93.26 feet to a 5/8" iron rod set in the said Southerly right of way line of Sable Drive; thence along said right of way line, South 18° 40' 34" West 75.09 feet to a 5/8" iron rod being the true point of beginning.

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