

# 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.wrd.state.or.us

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

|                              |                      |                            |                                |
|------------------------------|----------------------|----------------------------|--------------------------------|
| NAME<br>AUSTIN OR KARA WEBER |                      | PHONE (HM)<br>541-677-9288 |                                |
| PHONE (WK)                   | CELL<br>541-580-2095 | FAX<br>541-677-9288        |                                |
| ADDRESS<br>PO Box 2236       |                      |                            |                                |
| CITY<br>ROSEBURG             | STATE<br>OR          | ZIP<br>97470               | E-MAIL<br>logitnow@hotmail.com |

### Organization Information

|         |       |       |        |
|---------|-------|-------|--------|
| NAME    |       | PHONE | FAX    |
| ADDRESS |       |       | CELL   |
| CITY    | STATE | ZIP   | E-MAIL |

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

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

Note: Attach multiple copies as needed

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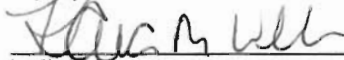
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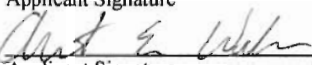
WATER RESOURCES DEPT  
SALEM, OREGON

### 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 use water legally until the Water Resources Department issues a permit.
- 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 get 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 get water to which they are entitled.

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

  
Applicant Signature

  
Applicant Signature

Kara M. Weber  
Print Name and title if applicable

AUSTIN E. WEBER  
Print Name and title if applicable

6/30/10  
Date

6-30-2010  
Date

|                         |  |            |
|-------------------------|--|------------|
| App. No. <u>5-87635</u> | For Department Use<br>Permit No. _____ | Date _____ |
|-------------------------|--|------------|

**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.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

X No

- X I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- 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).
- Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

\_\_\_\_\_

**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:

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| Source 1: <u>North Umpqua River</u> | Tributary to: <u>Umpqua River</u> |
| Source 2: _____                     | Tributary to: _____               |
| Source 3: _____                     | Tributary to: _____               |
| Source 4: _____                     | Tributary to: _____               |

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).

**B. Applications to Use Stored Water**

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

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 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.

S- 87635

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: WATER USE**

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  |
|--------------------|-------------------|---------------|---|
| North Umpqua River | Domestic Expanded | Year Round    | 0.01 X 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 |

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: \_\_\_\_\_ Acres                      Supplemental: \_\_\_\_\_ Acres

List 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: \_\_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
 \_\_\_\_\_

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

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

X Pump (give horsepower and type): 1 Horsepower, submersible

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water will be pumped from the North Umpqua River to the residence for domestic use and irrigation of up to 1/2 acre lawn/garden.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Household plumbing system and lawn/garden irrigation 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 adverse impact to public uses of affected surface waters.

Water is needed for domestic use at the property. Best residential management practices will be used to minimize water use and prevent run off/erosion.

## SECTION 6: 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.

- X Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: ODFW approved fish screening will be installed on pump intake prior to diversion of water.
- X Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: None planned.
- X Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: None planned
- X Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Will use best residential management practices to prevent erosion and run off..

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Upon issuance of permit

Date construction will be completed: October 1, 2012

Date beneficial water use will begin: October 1, 2013

**SECTION 8: REMARKS**

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

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# Land Use Information Form



WS10-0401 REPT 09164  
**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A R41800  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Applicant(s): Austin and Kara Weber

Mailing Address: PO Box 2236

City: Roseburg

State: OR

Zip Code: 97470

Daytime Phone: 541-677-9288

## 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: |
|-------------|------------|-----------|----------|------------|---|--|--|--|--------------------|
| <u>26S.</u> | <u>4W.</u> | <u>14</u> | <u>D</u> | <u>702</u> | _____   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | _____              |
| <u>26S.</u> | <u>4W.</u> | <u>14</u> | <u>D</u> | <u>703</u> | _____   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | _____              |
| <u>26S.</u> | <u>4W.</u> | <u>14</u> | <u>D</u> | <u>700</u> | _____   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" 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

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.01   
 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 use for one household and irrigation of 1/2 acre lawn/garden.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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WR / FS

# For Local Government Use Only

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 uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.9.050
- Land uses to be served by the proposed water uses (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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

**DOUGLAS COUNTY PLANNING DEPARTMENT**  
ROOM 106, JUSTICE BUILDING  
DOUGLAS COUNTY COURTHOUSE  
ROSEBURG, OR 97470

Name: KRISTI GILBERT Title: PLANNING TECH  
 Signature: Kristi Gilbert Phone: 541-440-4289 Date: 05-24-10  
 Government Entity: DOUGLAS COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Douglas, State of Oregon, described as follows:

**A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 26 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:**

**BEGINNING AT A 5/8 INCH IRON ROD ON THE WEST LINE OF THAT PROPERTY CONTAINED IN RECORDER'S NO. 79-18091, RECORDS OF DOUGLAS COUNTY, OREGON, FROM WHICH THE SECTION CORNER COMMON TO SECTIONS 13, 14, 23, AND 24, TOWNSHIP 26 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, BEARS SOUTH 44° 36' 56" EAST 2610.58 FEET; THENCE ALONG SAID WEST LINE, SOUTH 0° 17' 45" WEST 1102.60 FEET TO A 5/8 INCH IRON ROD ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 4; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 89° 28' 55" WEST 13.61 FEET TO A 5/8 INCH IRON ROD; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 88° 02' 32" WEST 199.99 FEET TO A 5/8 INCH IRON ROD; THENCE CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 89° 29' 11" WEST 121.10 FEET TO A FENCE POST; THENCE RUNNING ALONG THE EAST LINE OF THOSE PROPERTIES AS DESCRIBED IN RECORDERS' NOS. 76-15496 AND 77-12291, RECORDS OF DOUGLAS COUNTY, OREGON, RESPECTIVELY, NORTH 1° 34' 03" EAST 566.78 FEET TO A 5/8 INCH IRON ROD AND NORTH 1° 22' 27" EAST 515.25 FEET TO A 5/8 INCH IRON ROD ON THE SOUTHERLY RIGHT OF WAY LINE OF WILD RIVER DRIVE; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 40° 31' 08" EAST 38.07 FEET TO A 5/8 INCH IRON ROD; THENCE EAST 287.69 FEET TO THE POINT OF BEGINNING.**

**ALSO, A PORTION OF PARCEL NO. 2 OF THAT MINOR LAND PARTITION PLAT RECORDED IN BOOK 8, PAGE 90, OF THE LAND PARTITION RECORDS AND AS RECORDER'S NO. 83-15256, RECORDS OF DOUGLAS COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID PARCEL NO. 2; THENCE NORTH 89° 59' 47" WEST 287.75 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHWEST CORNER OF SAID PARCEL NO. 2; THENCE NORTH 40° 31' 08" EAST ALONG THE WEST LINE OF SAID PARCEL NO. 2, 51.43 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 81° 15' 22" EAST 257.33 FEET TO THE POINT OF BEGINNING, ALL LYING IN SECTION 14, TOWNSHIP 26 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON.**

**NOTE:** This legal description was created prior to January 1, 2008.

END OF DOCUMENT

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51.



DOUGLAS COUNTY OFFICIAL RECORDS  
BARBARA E. NIELSEN, COUNTY CLERK

2010-003073



\$51.00

02/05/2010 10:26:42 AM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK  
\$15.00 \$11.00 \$15.00 \$10.00

After recording return to:  
Austin E. Weber and Kara M. Weber  
PO Box 2236  
Roseburg, OR 97470

Until a change is requested all tax statements  
shall be sent to the following address:  
Austin E. Weber and Kara M. Weber  
PO Box 2236  
Roseburg, OR 97470

File No.: 7391-1472966 (jt)  
Date: February 01, 2010

### STATUTORY WARRANTY DEED

**Mark Osborne**, Grantor, conveys and warrants to **Austin E. Weber and Kara M. Weber as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached as Exhibit A and by this reference incorporated herein.

**Subject to:**

- 1. Covenants, conditions and restrictions which may appear in the public record, in

CON # 87635  
WEBER

The true consideration for this conveyance is **\$239,000.00**. (Here comply with requirements of ORS 93.030)

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SALEM, OREGON

First American Title Insurance Company  
P.O. Box 1325  
Roseburg, OR 97470

S-87635

1472966jt

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 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. 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, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 3<sup>rd</sup> day of February, 2010.

Mark Osborne  
Mark Osborne

STATE OF California )  
County of Contra Costa ss.

This instrument was acknowledged before me on this 3<sup>rd</sup> day of February, 2010  
by Mark Osborne.

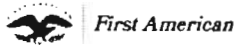
Teri Steele

Notary Public for California  
My commission expires:



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# First American Title Insurance Company of Oregon

1700 NW Garden Valley Blvd, Ste 204 • Roseburg, OR 97471

## Buyer's Final Settlement Statement

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**Property:** 1935 & 1939 Wild River Drive, Roseburg, OR 97470

**File No:** 7391-1472966

**Officer:** Jeanne Taylor/KMP

**New Loan No:**

**Settlement Date:** 02/05/2010

**Disbursement Date:** 02/05/2010

**Print Date:** 2/5/2010, 10:45 AM

**Buyer:** Austin E. Weber, Kara M. Weber  
**Address:** PO Box 2236, Roseburg, OR 97470  
**Seller:** Mark Osborne  
**Address:**

| Charge Description  | Buyer Charge | Buyer Credit |
|---|--------------|--------------|
| <b>Consideration:</b>   |              |              |
| Total Consideration   | 239,000.00   |              |
| <b>Deposits in Escrow:</b>  |              |              |
| Receipt No. 739120029 on 02/03/2010 by Austin E. Weber / Kara M. Weber        |              | 18,875.00    |
| <b>Earnest Money:</b>   |              |              |
| Total Deposit/Earnest Money   |              | 1,500.00     |
| <b>Adjustments:</b>   |              |              |
| Seller paying costs for buyer   |              | 2,203.62     |
| <b>Prorations:</b>  |              |              |
| County Tax 02/05/10 to 07/01/10 @\$2587.02/yr                                 | 1,034.81     |              |
| <b>New Loan(s):</b>   |              |              |
| Lender: Frederick Osborne Mary Ann Osborne                                    |              |              |
| New Loan to File - Frederick Osborne Mary Ann Osborne                         |              | 219,000.00   |
| <b>Title/Escrow Charges to:</b>   |              |              |
| Escrow/Closing Fee - First American Title Insurance Company of Oregon         | 430.00       |              |
| Policy: Lenders - First American Title Insurance Company of Oregon            | 100.00       |              |
| Collection Escrow Fee - First American Title Insurance Company of Oregon      | 200.00       |              |
| Record Deed of Trust-Other - First American Title Insurance Company of Oregon | 56.00        |              |
| <b>Disbursements Paid:</b>  |              |              |
| Fire Insurance Premium to Country Insurance                                   | 432.81       |              |
| Setup reserve account to First American Title Insurance Co. of Oregon         | 75.00        |              |
| Transfer Manufactured Home to First American Title 1472966MH                  | 150.00       |              |
|   |              |              |
| Cash ( From) (X To) Borrower  | 100.00       |              |
| <b>Totals</b>   | 241,578.62   | 241,578.62   |

S-87635



**DOUGLAS COUNTY PLANNING & BUILDING**

5/24/2010  
11:13 am

Room 106, Justice Building  
Douglas County Courthouse, Roseburg, Oregon 97470  
Planning - (541) 440-4289  
Building - (541) 440-4559

**Permit Number: WS10-0401**  
**Job Address: 1935 WILD RIVER DR, ROSEBURG**

Receipt: P09164

| Fee Description                | Fee Amount     |
|--------------------------------|----------------|
| LAND USE COMPATABILITY STATEME | \$50.00        |
| <b>Total Fees Paid:</b>        | <b>\$50.00</b> |

R41800

Paid By: **WEBER, AUSTIN E & KARA M**

Pay Method: **Check 1942**

Received By: **Gayle E McKillop**

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