

# 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 <i>James S.B. Smith</i>		PHONE (HM)	
PHONE (WK)	CELL <i>541 294 5956</i>	FAX	
ADDRESS <i>95623 Guerin Lane</i>			
CITY <i>Myrtle Point</i>	STATE <i>O.</i>	ZIP <i>97458</i>	E-MAIL

### 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

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Note: Attach multiple copies as needed

MAR 09 2011

By my signature below I confirm that I understand:

WATER RESOURCES DEPT  
SALEM, OREGON

- 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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 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

Print Name and title if applicable

Print Name and title if applicable

Date

Date

App. No. *S-87704*

For Department Use  
Permit No. \_\_\_\_\_

Date \_\_\_\_\_

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.

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
Middle Fork Coquille River	Domestic	YEAR ROUND	6 <input type="checkbox"/> cfs <input checked="" 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: \_\_\_\_\_

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SALEM, OREGON

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:   3
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

\_\_\_\_\_

\_\_\_\_\_

**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.
- No
  - 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).

James S.B. Smith PO Box 6 Myrtle Point OR 97458  
DONALD RYAN 95586 GHERIN LN MYRTLE POINT OR 97458  
GARY BARONE 95601 GHERIN LN MYRTLE POINT OR 97458

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**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: Middle Fork Coq R Tributary to: Coquill-River  
 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.)

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 1 1/2 HP JET PUMP + 1 HP DEEP WELL SUBMERSIBLE

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

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

MULTIPLE WELL POINTS DRIVEN BELOW GRAVEL BAR + SUBMERSIBLE

**B. Application Method**

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

DIRECT LINES TO HOUSES

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SALEM, OREGON

**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.

WILL INSTALL FLOW RESTRICTOR FOR ALL 3 HOUSES AND AT DIVERSION

**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.

Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: SCREEN SURROUNDING PERFORATED PIPE ENCLLOSING SUBMERSIBLE PUMP - WELL POINTS BELOW GRAVEL

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: HAND DUG TRENCH TO COVER SECTION LINES

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: NONE

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: MINIMUM DISTURBANCE OF GRASS COVERED AREA - NO TREE ROOT SYSTEMS TO BE DISTURBED

**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: AS SOON AS PERMITTED.

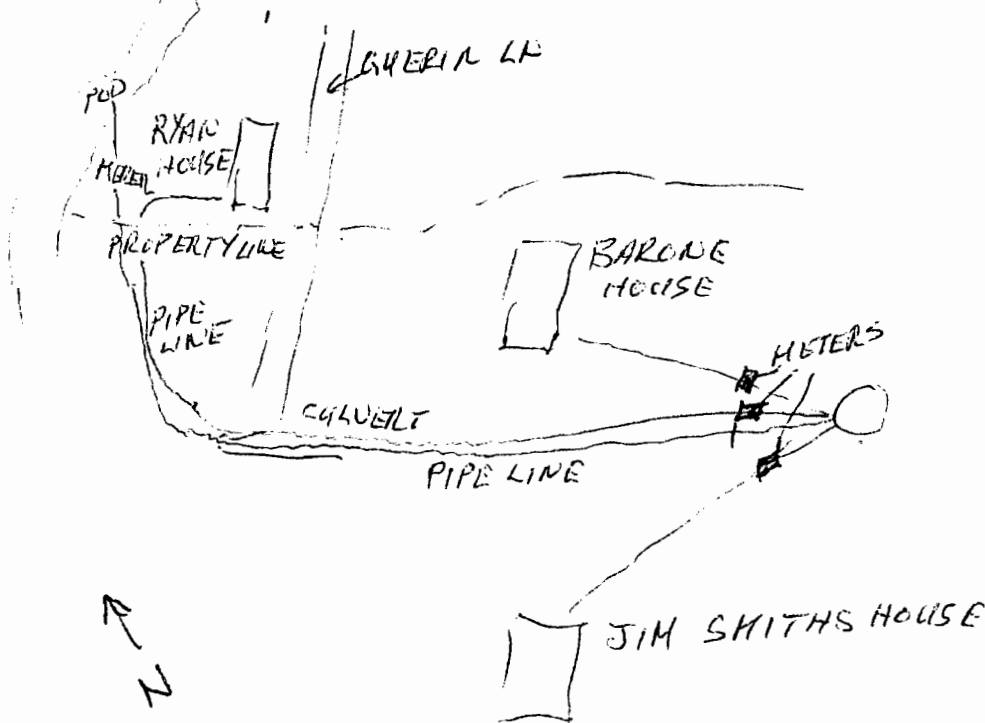
Date construction will be completed: FALL OF 2013

Date beneficial water use will begin: Summer 2016

**SECTION 8: REMARKS**

Use this space to clarify any information you have provided in the application.

MY PLAN IS TO PUT IN A COMMUNITY WATER SYSTEM TO SUPPLY 3 HOUSEHOLDS EACH HOUSE TO BE METERED SEPERATELY WITH FLOW RESTRICTERS. A METER WILL BE INSTALLED NEAR THE POINT OF DIVERSION TO METER TOTAL CONSUMPTION FROM POINT OF DIVERSION. A LINE WILL RUN FROM P.O.D. TO A SETTLING TANK THEN FROM THE SETTLING TANK TO A TANK OR TANKS TO SUPPLY EACH INDIVIDUAL HOUSE. GARDEN USE TO BE RESTRICTED TO  $\frac{1}{3}$  OF  $\frac{1}{2}$  ACRE PER HOUSEHOLD. THIS IS THE ONLY SOURCE OF WATER TO TAX LOT 200



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SALEM, OREGON

# Land Use Information Form



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

Applicant: DONALD RYAN  
First Last

Mailing Address: 95586 GUERIN LN

MYRTLE POINT OR 97458 Daytime Phone: 541-290-6923  
City State Zip

## 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:
29	12	27		200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RR
29	12	27		600		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RR
29	12	27		700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	RR
						<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:

Clatsop 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) Middle Fork Coquille River

Estimated quantity of water needed: 6  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for 3 household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

\_\_\_\_\_

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WATER RESOURCES DEPT  
 SALEM, OREGON

**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.

# 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): Pre-existing dwellings per LDC Section 3.4 r 4.2
- 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 (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"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <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.

Name: Jill Rolfe Title: Admin Planner  
 Signature: Jill Rolfe Phone: 541-396-3121 x210 Date: 3/8/11  
 Government Entity: Coos County Planning

**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.

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**Receipt for Request for Land Use Information**

MAR 09 2011

Applicant name: Donald Ryan WATER RESOURCES DEPT  
 City or County: Coos Staff contact: Jill Rolfe SALEM, OREGON  
 Signature: Jill Rolfe Phone: 541-396-3121 x210 Date: 3/8/11

3-14-11

Attn: HERB @ W.R.D

Ph. # 503 986 0804

Fax # 503 986 0901

4 Pages Total

Ref.# 87704

From: Don Ryan 541-290-6923

Here is 2 of the property Deeds  
you asked for, Tim Smith will fax his to you.  
Please Note all 3 properties are to have equal  
Shares on the System  
Thank you

Donald W. Ryan

Malinda Bacon

①

STATE OF OREGON, County of Wasco  
 This instrument was acknowledged before me on 11/18/09  
 by Sandra Miller-Ryan  
 This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 as \_\_\_\_\_  
 of \_\_\_\_\_

**OFFICIAL SEAL**  
**SARA BRECKON**  
 NOTARY PUBLIC - OREGON  
 COMMISSION NO. 400472  
 MY COMMISSION EXPIRES DECEMBER 15, 2008

Sara Breckon  
 Notary Public for Oregon  
 My commission expires 12/15/09

COOS COUNTY CLERK, OREGON TOTAL \$26.00  
 TERRI L. TURI, CCC, COUNTY CLERK

02/12/2007 #2007-1949  
 03:14PM 1 OF 1

②

S-87704



DEED CREATING ESTATE BY THE ENTIRETY



KNOW ALL MEN BY THESE PRESENTS, That DALINDA L. BARONE FORMERLY DALINDA L. SILVA, hereinafter called the grantor, the spouse of the grantee hereinafter named, for the consideration hereinafter stated, has bargained and sold and by these presents does grant, bargain, sell and convey unto GARY J. BARONE, herein called the grantee, an undivided one-half of the following described real property situated in COOS County, Oregon, to-wit:

AS SET FORTH ON ATTACHED LEGAL DESCRIPTION.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD an undivided one-half of the above described real property unto the grantee forever.

The above named grantor retains a like undivided one-half of that same real property, and it is the intent and purpose of this instrument to create and there hereby is created an estate by the entirety between husband and wife as to this real property.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE.

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

WITNESS grantor's hand this 27 day of AUGUST, 19 98.

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.

Dalinda L. Barone signature and name: DALINDA L. BARONE

STATE OF OREGON, County of COOS ) ss. This instrument was acknowledged before me on AUGUST 27, 19 98, by DALINDA L. BARONE



Regina Watson signature and name: Regina Watson, Notary Public for Oregon. My commission expires

Form with fields for Grantor's Name and Address (DALINDA BARONE), Grantee's Name and Address (GARY BARONE), and recording return information (GARY & DALINDA BARONE, HC 85 BOX 23M, MYRTLE POINT, OR 97458).

SPAC RESERVED FOR RECORDER'S USE. 72-504 AFTER RECORDING RETURN TO Titor Title Insurance 131 N 3rd - Box 1075 Seas Bay, OR 97420-0233

STATE OF OREGON, County of ) ss. I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No. Record of Deeds of said County. Witness my hand and seal of County affixed. NAME TITLE By Deputy

PAGE #: 0001 OF 0002 INST#: 1998 56051 \*\* C9/01/1998 11:03 REC FEE: \$38.00 COOS COUNTY, OR, DOROTHY TAYLOR - COUNTY CLERK

S-87704

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6-72-504

LEGAL DESCRIPTION

A parcel of land in the SE 1/4 of the SW 1/4 of Section 22 and in the NE 1/4 of the NW 1/4 of Section 27, all in Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, described as follows:

Beginning at the Northeast corner of a parcel conveyed to Herbert Wright, et ux in Book 273, Page 174, Deed Records of Coos County, Oregon, said point being North 00° 10' West 122.7 feet from the quarter section corner between said Sections 22 and 27; thence North 00° 10' West 440 feet to a 3/4 inch pipe post; thence South 73° 59' West 239.6 feet to a 3/4 inch pipe post; thence South 58° 48' West 381.5 feet to a 3/4 inch pipe post; thence South 12° 41' East 630.7 feet to the North boundary of the State Highway; thence Southeasterly 100 feet to the Northeast corner of a parcel conveyed to Verlin R. Moore, et ux in Book 304, Page 585, Deed Records of Coos County, Oregon; thence South 36° 06' East 210.6 feet to the center of Middle Fork of the Coquille River; thence North 40° 19' East 156.1 feet along the center of said river; thence North 275.4 feet to the South boundary of the State Highway and continuing North to the North boundary of said highway and the Southwest corner of said Wright parcel; thence North 00° 10' West 151.7 feet to Wright's Northwest corner; thence North 89° 50' East 112 feet to the point of beginning.

EXCEPT any portion embraced in the State Highway. -----

09/01/1998 11:03 REC FEE: \$38.00  
COOS COUNTY, OR, DOROTHY TAYLOR - COUNTY CLERK

PAGE #: 0002 OF 0002  
INST#: 1998 56051

ES

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

Grantor's Name and Address  
*Sandi Miller-Ryan*  
*96586 Quipin Ln*  
*Myrtle Point, OR 97458*

Grantor's Name and Address

Also recording, return to (Name, Address, Zip):  
*Sandi Miller-Ryan*  
*96586 Quipin Ln*  
*Myrtle Point, OR 97458*

Until requested otherwise, send all tax statements to (Name, Address, Zip):  
*Same*

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

I certify that the within instrument was received for record on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

By \_\_\_\_\_, Deputy.

SPACE RESERVED FOR RECORDERS USE

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that *Sandi Miller-Ryan*

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto *Sandi Miller-Ryan (AKA: Sandi Miller) & Donald W. Ryan* hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in \_\_\_\_\_ County, State of Oregon, described as follows, to-wit:

*See Description in Deed 2004-14472*

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ *None*. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols  $\phi$ , if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on *August 15th, 2006*; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

*Sandi Miller-Ryan*

STATE OF OREGON, County of *COOS*  
This instrument was acknowledged before me on *11/18/06*  
by *Sandi Miller-Ryan*  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



*Sara Breckon*  
Notary Public for Oregon  
My commission expires *12/16/09*

COOS COUNTY CLERK, OREGON TOTAL \$26.00  
TERRI L. TURI, CCC, COUNTY CLERK

02/12/2007 #2007-1949  
03:14PM 1 OF 1

S-87704

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**After Recording Return To:**  
Ticor Title  
379 N. Adams  
P.O. Box 368  
Coquille OR 97423

**AFTER RECORDING  
RETURN TO**  
Ticor Title Insurance  
131 N. 3rd - Box 1075  
Coos Bay, OR 97420-0233

**Send Tax Statements To:**  
James S. Smith  
Laurie S. Powrie-Smith  
95628 Guerin Lane  
Myrtle Point OR 97458

Title Order No. 47-84576  
Escrow No. 47-84576  
Tax Account No. 11586.11; Code  
No. 41.11

95549

**WARRANTY DEED**  
(ORS 93.850)

**LARRY C. PAYNE and MARGIE L. PAYNE, as tenants by the entirety, Grantor,** conveys and warrants to **JAMES S. SMITH and LAURIE POWRIE-SMITH, as tenants by the entirety, Grantee,** the following described real property free of encumbrances except as specifically set forth herein:

**See Exhibit 'A' attached hereto and by reference made a part hereof.**

**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 true consideration for this conveyance is \$80,000.00.

Dated this 14<sup>th</sup> day of October, 2004.

Larry C. Payne  
Larry C. Payne

Margie L. Payne  
Margie L. Payne

State of OR, County of Coos )ss.

This instrument was acknowledged before me on October 14, 2004  
by Larry C. Payne and Margie L. Payne.

Barbara M Kimball  
Notary Public

My commission expires: 4-29-2006

