

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 ROGER OR DEBORA BOTHWELL		PHONE (HM) 541-637-5456	
PHONE (WK)	CELL 541-680-4880		FAX
ADDRESS 567 CHEROKEE AVE.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL DBOTH@MAC.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

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Note: Attach multiple copies as needed

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.


Debora L. Bothwell DEBORA L. BOTHWELL 6-22-11
 Applicant Signature Print Name and title if applicable Date

 Applicant Signature Print Name and title if applicable Date

App. No. <u>S-87731</u>	For Department Use Permit No. _____	Date _____
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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*).

<u>R. Scott Williams</u>	<u>Stonebrook Homeowners Association</u>	<u>David & Carol Zientara</u>
<u>483 Cherokee Ave.</u>	<u>c/o R. Scott Williams</u>	<u>2367 Rollie Loop</u>
<u>Roseburg, OR 97471</u>	<u>483 Cherokee Ave.</u>	<u>Eugene, OR 97495</u>
	<u>Roseburg, OR 97471</u>	

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: North Umpqua River

Tributary to: Umpqua 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.)

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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.

- 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 <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

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: 1
- 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?

Pump (give horsepower and type): Three 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 existing irrigation holding pond and then 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 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.

- 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.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: None planned.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: None planned.
- 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, 2013

Date beneficial water use will begin: October 1, 2014

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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DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2007-013386



\$21.00

06/13/2007 01:31:02 PM

DEED-WD Cnt=1 SIn=18 RECORDINGDESK
\$5.00 \$11.00 \$5.00

After recording return to:
Roger Bothwell & Debora Bothwell
203 SE Rifle Range Road
Roseburg, OR 97470

Until a change is requested all
tax statements shall be sent to
The following address:

Roger Bothwell & Debora Bothwell
203 SE Rifle Range Road
Roseburg, OR 97470

Escrow No. RB69276
Title No. 69276

SWD

AmeriTitle 68996

STATUTORY WARRANTY DEED

R. Scott Williams, an estate in fee simple, Grantor(s) hereby convey and warrant to **Roger Bothwell and Debora Bothwell, husband and wife**, Grantee(s) the following described real property in the County of **Douglas** and State of Oregon free of encumbrances except as specifically set forth herein:

Lot 2, STONEBROOK SUBDIVISION, Douglas County, Oregon

TOGETHER WITH easements for roadway and utilities as delineated on the recorded plat of **STONEBROOK SUBDIVISION** and as set out in Instrument No. 84-6371, Deed Records, Douglas County, Oregon.

ALSO, TOGETHER WITH an undivided 1/15th interest in Shared Open Space Lands designated **A, B and C** on the recorded plat of **STONEBROOK SUBDIVISION**, said Shared Open Space Lands being owned and controlled by **Stonebrook Subdivision Homeowner's Association, Inc. R53654 (Covers Add Property) T26S R06W S27C TL302**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is: \$200,000.00 and other consideration

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 AND 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 197.352.

Dated this 12th day of June, 2007

R. Scott Williams

State of Oregon
County of Douglas

This instrument was acknowledged before me on 6-12, 2007 by R. Scott Williams.

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(Notary Public for Oregon)

My commission expires 12-19-2010



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END OF DOCUMENT



IRRIGATION WATERLINE EASEMENT AGREEMENT
AND RELEASE OF EASEMENT

This Easement Agreement is hereby made and entered into by and between R. SCOTT WILLIAMS (hereinafter referred to as "WILLIAMS") and WILMA GAMBILL hereinafter referred to as "GAMBILL") on the date herein below provided:

RECITALS:

A. GAMBILL has an irrigation line easement as set out in Judgment filed in Case No. 01CV1748CC in the Circuit Court of Douglas County, Oregon, wherein Donald L. Gambill was Plaintiff and Jon Douglas Gambill was defendant. The irrigation line easement encumbers the property of WILLIAMS.

B. WILLIAMS is the owner of the subservient property described in the irrigation line easement and wishes to relocate the irrigation line easement.

C. WILLIAMS and GAMBILL are in agreement that the line may be relocated to the common water line agreement on WILLIAMS' property. The relocated waterline easement is as described in the Exhibits A & B attached hereto and incorporated herein.

D. WILLIAMS and GAMBILL understand that WILLIAMS may at some future date to

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convey the common water line as part of and to be included as part of a subdivision and intends for the water line easement to be managed by a homeowners association.

NOW THEREFORE: In consideration of the mutual promises herein the parties agree as follows:

(1) WATER LINE EASEMENT: WILLIAMS does hereby convey onto GAMBILL, a Perpetual, Nonexclusive Easement, which Easement Area shall be five feet (5') in width on either side of the centerline of the existing irrigation line described in the attached Exhibit A. and as depicted in Exhibit B.

(2) PURPOSE: Said irrigation line easement is for the purpose of providing GAMBILL access to an existing irrigation line and system of WILLIAMS.

(3) EASEMENT EXPENSE: The cost and expense of the installation, inspection, construction, reconstruction, improvement, installation and/or repair of the water line shall be born by WILLIAMS his heirs, successors and assigns. GAMBILL shall pay any cost and expense necessary to connect her irrigation system to the existing irrigation line described in Exhibit A.

(4) WATER LINE EXCLUSIVE: The easement area described herein is non-exclusive, and WILLIAMS, his heirs, successors and assigns retain all control over the irrigation line, its operation, maintenance and repair and shall have a right to use and occupy the easement area for all purposes. GAMBILL shall have the right to use, and to connect to, the irrigation line in common with other irrigation line users. GAMBILL shall limit her use of the irrigation line to providing water for lawn and garden purposes. GAMBILL agrees to abide by any water use and distribution requirements as set by WILLIAMS or his successors and assigns, that serve to regulate the common use of the irrigation line. Any such water use and distribution requirements will be uniform for all users of the common irrigation line.

(5) MANNER OF USE OF EASEMENT AREA/INDEMNITY: GAMBILL and WILLIAMS, and their successors and assigns, shall use and occupy the irrigation line and easement area such that one another's improvements are not hindered, damaged, delayed or otherwise harmed.

(6) LITIGATION EXPENSE: In the event that a dispute arises over the terms, conditions or enforcement of this Irrigation Waterline 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

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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 Irrigation Waterline Easement granted herein is subject to all prior easements, liens and encumbrances of record.

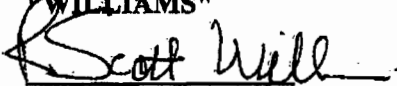
(9) HEIRS/SUCCESSORS: This Irrigation Waterline Easement Agreement is intended to and shall bind and inure to the benefit not only of the immediate parties hereto, but also the respective heirs, devisees, administrators, executors, assigns and successors in interest.

(10) GAMBILL RELEASE OF JUDGMENT EASEMENT: In consideration hereof, GAMBILL hereby releases and quit claims all interest she has in the irrigation ^{line} ~~line~~ easement as set forth in Judgment filed in Case No. 01 CV1748CC in the Circuit Court of Douglas County, Oregon, wherein Donald L. Gambill was Plaintiff and Jon Douglas Gambill was defendant.

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

DATED and SIGNED this 6 day of April, 2007.

"WILLIAMS"

R. Scott Williams

"GAMBILL"

Wilma Gambill

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EXHIBIT "A"

A 10-foot wide irrigation line easement being a portion of Parcel 2 of Partition Plat 2006-0056, Douglas County Plat Records and a portion of Unit 2 of Instrument Number 2006-006254, Douglas County Deed Records, located in the Southwest quarter of section 27, Township 26 South, Range 6 West, Douglas County, Oregon, lying 5 feet on each side of a centerline which is located over and above an existing irrigation line and is more particularly described as follows:

Beginning at a point on the South boundary of said Parcel 2 from which the Southwest corner bears South 23°32'24", 82.58 feet; Thence leaving said South boundary, North 49°50'19" West, 530.95 feet to a point; Thence North 69°33'18" West, 71.72 feet to a point; Thence North 16°50'04" West, 353.37 feet to a point; Thence South 73°09'56" West, 30.00 feet to a point; Thence North 16°50'04" West, 102.12 feet to a point; Thence South 73°09'56" West, 173.28 feet to a point; Thence North 87°05'52" West, 43.53 feet to a point; Thence North 31°40'54" West, 55.93 feet; Thence North 50°07'23" West, 66.13 feet to a point; Thence North 38°39'43" West, 22.44 feet to a point; Thence South 48°51'30" West, 97.70 feet to a point on the West boundary of said Unit 2 and terminus of this description from which a 5/8-inch iron rod at the most Northerly Northwest corner of said Parcel 2 bears South 47°37'30" East, 42.77 feet. The sidelines of the previously described easement are to be lengthened or shortened in order to terminate on the aforementioned boundary lines.

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Land Use Information Form

W/S 11-437
 R 131627
 R 131630
 R 131640
 R 131639
 R 131644



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

Applicant(s): Roger or Debra Bothwell

Mailing Address: 567 Cherokee Ave.

City: Roseburg

State: OR

Zip Code: 97471

Daytime Phone: 541-637-5456

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>6W</u>	<u>27</u>	<u>C</u>	<u>3800</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>26S</u>	<u>6W</u>	<u>27</u>	<u>C</u>	<u>3100</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>26A</u>	<u>6W</u>	<u>27</u>	<u>C</u>	<u>3200</u>	_____				
<u>26S</u>	<u>6W</u>	<u>27</u>	<u>C</u>	<u>2600</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>26S</u>	<u>6W</u>	<u>27</u>	<u>C</u>	<u>4100</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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 Expanded use for one household and irrigation of 1/2 acre lawn/garden.

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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.

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See bottom of Page 3. →

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):
- 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.

DOUGLAS COUNTY PLANNING DEPARTMENT
 ROOM 106, JUSTICE BUILDING
 DOUGLAS COUNTY COURTHOUSE
 ROSEBURG, OR 97479

Name: Jeff Lehrbach Title: Planner
 Signature: *Jeff Lehrbach* Phone: 541-440-4289 Date: 6/22/11
 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

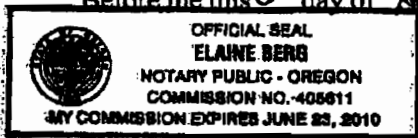
Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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STATE OF OREGON)
) ss.
County of Douglas)

Personally appeared before me the above named R. SCOTT WILLIAMS and he did acknowledge the foregoing instrument to be his voluntary act and deed.

Before me this 6th day of April, 2007.

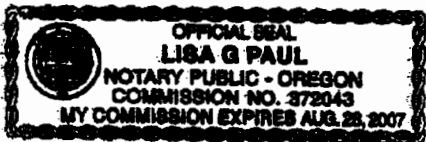


Elaine Berg
Notary Public for Oregon
My Commission Expires: June 23, 2010

STATE OF OREGON)
) ss.
County of Douglas)

Personally appeared before me the above named WILMA GAMBILL and she did acknowledge the foregoing instrument to be her voluntary act and deed.

Before me this 13th day of April, 2007.



Lisa G Paul
Notary Public for Oregon
My Commission Expires: Aug. 28 2007

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END OF DOCUMENT

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