

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 TOMMY AND PHYLLIS FOX		PHONE (HM) 541-637-0858	
PHONE (WK)	CELL 503-504-8811	FAX	
ADDRESS 640 CHEROKEE AVE.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL *

Organization Information

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

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SALEM, OREGON

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

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the 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 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

TOMMY FOX
Print Name and title if applicable

PHYLLIS FOX
Print Name and title if applicable

5-23-12
Date

May 23-2012
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*).

See attached waterline easement agreement and subdivision map.

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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: 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.)

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	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): one

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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2-37813



DOUGLAS COUNTY PLANNING & BUILDING

5/23/2012
11:53 am

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

Permit Number: WS12-0261
Job Address: 640 CHEROKEE AVE, ROSEBURG

Receipt: P13335

Fee Description	Fee Amount
LAND USE COMPATABILITY STATEME	\$55.00
Total Fees Paid:	\$55.00

R131639

Paid By: **FOX, TOMMY**
Pay Method: Check 5047
Received By: **Gayle E McKillop**

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DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2011-004251



\$41.00

DEED-WD Cnt=1 Str=13 CAROL
\$5.00 \$11.00 \$15.00 \$10.00

03/03/2011 03:01:03 PM

After recording return to:
Tommy A. Fox & Phyllis I. Fox
25484 East Bright Avenue
Welches, OR 97067

Until a change is requested all tax statements shall be sent to the following address:
Tommy A. Fox & Phyllis I. Fox
25484 East Bright Avenue
Welches, OR 97067

Escrow No. RB0705494
Title No. 0705494
SWD r.013111

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STATUTORY WARRANTY DEED

R. Scott Williams, an estate in fee simple,

Grantor(s), hereby convey and warrant to

Tommy A. Fox and Phyllis I. Fox, 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 11, STONEBROOK SUBDIVISION, Douglas County, Oregon.

TOGETHER WITH an easement more particularly set out on STONEBROOK SUBDIVISION, Deed Records Douglas County, Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

R131639

T26S R06W S27C TL 3100

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 \$152,500.00.

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, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 24 day of Feb, 2011.

R. Scott Williams



State of Oregon
County of DOUGLAS

This instrument was acknowledged before me on Feb 24, 2011 by R. Scott Williams.

(Notary Public for Oregon)
My commission expires 12-19-2014

END OF DOCUMENT

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AmeriTitle 705494



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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

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.

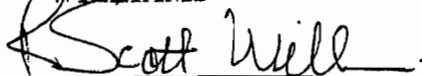
(10) GAMBILL RELEASE OF JUDGMENT EASEMENT: In consideration hereof, GAMBILL hereby releases and quit claims all interest she has in the irrigation ~~the~~^{line} easement as set forth in Judgment filed in Case No. 01CV1748CC in the Circuit Court of Douglas County, Oregon, wherein Donald L. Gambill was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

(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."

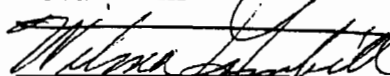
DATED and SIGNED this 6 day of April, 2007.

"WILLIAMS"



R. Scott Williams

"GAMBILL"

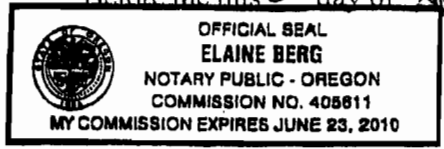


Wilma Gambill

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

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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After recording return to:



AmeriTitle, Inc.
P.O. Box 1609
1495 NW Garden Valley Blvd.
Roseburg, OR 97470 00067606

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

William Mohler and Nancy Mohler
7490 Mines Road
Livermore, CA 94550

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2006-021722



\$31.00

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09/05/2006 01:20:02 PM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$15.00 \$11.00 \$5.00

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STATUTORY WARRANTY DEED

R. SCOTT WILLIAMS, a fee simple estate, Grantor, conveys and warrants to WILLIAM MOHLER and NANCY MOHLER, Husband and Wife, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in Douglas County, Oregon, to wit:

See Exhibit A attached hereto and made a part hereof.

This property is free from encumbrances, EXCEPT: ALL THOSE ITEMS OF RECORD, IF ANY, AS OF THE DATE OF THIS DEED AND THOSE SHOWN BELOW, IF ANY: 2006/2007 TAXES, A LIEN IN AN AMOUNT TO BE DETERMINED BUT NOT YET DUE AND PAYABLE

TOGETHER WITH easements more particularly described in Instrument No. 96-4608, Deed Records, Douglas County, Oregon, and as set out on MINOR LAND PARTITION MAP FILE NO. 72-30, Book 3, Page 255, Instrument No. 78-14726;

ALSO, TOGETHER WITH an easement 30 feet in width, for ingress and egress and utilities, more particularly described as follows: BEGINNING at the Southeast corner of the herein described property; thence Easterly and Westerly to a point on the Westerly boundary of Parcel 1, LAND PARTITION 2005-36, Douglas County, Oregon, said point also being on the Northeasterly boundary of a roadway easement described in MINOR LAND PARTITION Map File No. 72-30 recorded in the Deed Records of Douglas County, Oregon, as Instrument No. 78-14726.

RESERVING unto the seller, an easement for access to the existing pond for the purpose of maintaining said pond for irrigation purposes. Also easements for a pumping station, and related electric lines, at the pond and irrigation water lines both from the river and to carry the irrigation water to seller's adjacent lands. Seller covenants with buyer that he will keep the pond full for the benefit of future owners.

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.

The true consideration for this conveyance is \$215,000.00. (Here comply with the requirements of ORS 93.030)

Dated Aug 30, 2006.

R. Scott Williams
R. SCOTT WILLIAMS

Exhibit A

A portion of Unit 2 of Instrument No. 2006-006254, Douglas County Deed Records, located in the Southwest quarter of Section 27, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, being more particularly described as follows:

BEGINNING at a ¼ inch iron pipe at the Northwest corner of said Unit 2; thence along the North boundary of said Unit 2, North 83° 42' 37" East 388.59 feet to a 5/8 inch iron rod; thence leaving said North boundary, South 21° 02' 45" West 310.33 feet to a 5/8 inch iron rod; thence South 86° 41' 01" West 209.16 feet to a 5/8 inch iron rod on the Southwesterly boundary of said Unit 2; thence along said Southwesterly boundary, North 43° 52' 22" West 95.83 feet to a 5/8 inch iron rod at the most Northerly Southwest corner of said Unit 2; thence along the West boundary of said Unit 2, North 00° 49' 55" East 31.41 feet to a 5/8 inch iron rod; thence continuing along said East boundary, North 00° 00' 50" West 158.67 feet to the point of beginning.

T26S, R06W, S27C, TL 303 (Portion)

Order No. 67606

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END OF DOCUMENT