

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 MICHAEL OR DONNA FOLLMAR		PHONE (HM) 541-672-5828	
PHONE (WK)	CELL		FAX
ADDRESS 373 OSAGE DRIVE			
CITY ROSEBURG	STATE OR	ZIP 97471	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 *	

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.)

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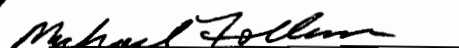
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By my signature below I confirm that I understand:

SALEM, OR

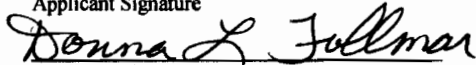
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants 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

Michael Follmar
Print Name and title if applicable

8-2-12
Date


Applicant Signature

Donna L. Follmar
Print Name and title if applicable

8-2-12
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.

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*).

See attached waterline easement agreement and subdivision map.

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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5-87827

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: Michael and Donna Follmar
First Last

Mailing Address: 373 Osage

Roseburg OR 97471 Daytime Phone: 541-672-5828
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:
26S.	6W.	27	C	303	RC2/RR	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
26S.	6W.	27	C	2600	RC2/RR	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
26S.	6W.	27	C	3200	RC2/RR	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
26S.	6W.	27	C	3100	RC2/RR	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
26S.	6W.	27	C	3800	RC2/RR	<input checked="" type="checkbox"/> Diverted	<input checked="" 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 X 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 .50 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.

See bottom of Page 3. →

5-97827

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 (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 97470

WS 12-0454
P13734

Name: JAMIE CHARTER Title: DP
 Signature: *[Handwritten Signature]* Phone: 541-440-4289 Date: 8-2-12
 Government Entity: DOUGLAS 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.

Receipt for Request for Land Use Information

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

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After recording return to:
Follmar 2003 Trust
14570 Homerite Drive
San Jose, CA 95124

Until a change is requested all tax statements shall be sent to the following address:
The Follmar 2003 Trust
14570 Homerite Dr
San Jose, CA. 95124

Escrow No. RB0706083
Title No. 0706083
SWD r.042611

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK



DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$10.00 \$11.00 \$17.00 \$10.00

2011-013287

\$48.00

09/15/2011 09:10:41 AM

STATUTORY WARRANTY DEED

Mogul Builders, LLC, an Oregon Limited Liability Company,

Grantor(s), hereby convey and warrant to

Michael A. Follmar and Donna L. Follmar, as Trustees of The Follmar 2003 Trust, UTD February 5, 2003,

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:

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 3/4 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.

TOGETHER WITH easements disclosed by Instrument No. 2007-6573, 2007-8695, Land Partition 1999-47 and Boundary Line Adjustment M151-6, Deed Records, Douglas County, Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:
R122576 T26S R06W S27C TL 303

The true and actual consideration for this conveyance is \$597,000.00.

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:

2011-2012 Real Property Taxes a lien not yet due and payable.

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SALEM, OR

5-87827

AmeriTitle 706083

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 13 day of September, 2011.

Mogul Builders, LLC

BY: Bruce D. Gullifer, Member
Bruce D. Gullifer, Member

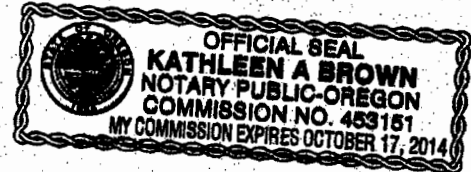
BY: Catherine M. Gullifer, Member
Catherine M. Gullifer, Member

State of Oregon
County of DOUGLAS

This instrument was acknowledged before me on ~~August~~ ^{September} 13, 2011 by Bruce D. Gullifer and Catherine M. Gullifer, members of Mogul Builders, LLC., an Oregon Limited Liability Company.

Kathleen A Brown
(Notary Public for Oregon)

My commission expires 10-17-14



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SALEM, OR

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

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) WATERLINE 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

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.

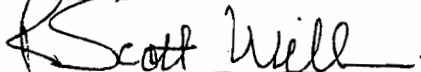
(10) GAMBILL RELEASE OF JUDGMENT EASEMENT: In consideration hereof, GAMBILL hereby releases and quit claims all interest she has in the irrigation ~~the~~^{line} easement as set forth in Judgment filed in Case No. 01CV1748CC in the Circuit Court of Douglas County, Oregon, wherein Donald L. Gambill was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

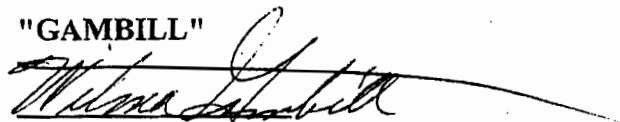
DATED and SIGNED this 6 day of April, 2007.

"WILLIAMS"



R. Scott Williams

"GAMBILL"



Wilma Gambill

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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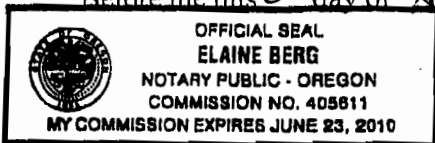
AUG 03 2012

SALEM, OR

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.

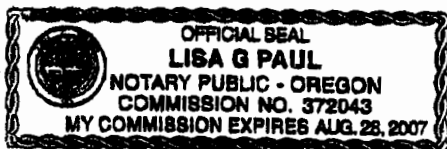


Elaine Berg
Notary Public for Oregon
My Commission Expires: June 23, 2010

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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AUG 03 2012

SALEM, OR