

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 BECKY MARSHALL | | PHONE (HM) | |
| PHONE (WK) 541-440-4359 | CELL 541-784-7677 | FAX 541-440-6023 | |
| ADDRESS 936 SE SHARON AVE. | | | |
| STATE OR | ZIP 97470 | E-MAIL * 67 BECKYM@GMAIL.COM | |

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JAN 16 2013

Organization Information

| | | | | |
|---------|-------|-------|----------|-----------|
| NAME | | PHONE | FAX | SALEM, OR |
| 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.)

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.

Becky L Marshall
Applicant Signature

Becky L Marshall
Print Name and title if applicable

1-15-13
Date

Applicant Signature

Print Name and title if applicable

Date

| | | | |
|-------------------------|--------------------|------------------|------------|
| App. No. <u>5-87859</u> | For Department Use | Permit No. _____ | Date _____ |
|-------------------------|--------------------|------------------|------------|

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

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

X No

X I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

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

Eleanor A. Gayner
1224 NE Walnut PMB 287
Roseburg, OR 97470

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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: Ben Irving Reservoir

Tributary to: Berry Creek

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.

X 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.)

S-87809

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.

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SECTION 4: WATER USE

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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 |
|------------|-------------------|---------------|------------------------------------------------------------------------------------------------------|
| Ben Irving | Domestic Expanded | Year Round | 2 <input type="checkbox"/> cfs <input type="checkbox"/> gpm X <input checked="" 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?

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Pump (give horsepower and type): 1 Horsepower electric submersible pump.

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 Olalla Creek to residence for domestic expanded use and irrigation of up to .50 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 damage 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.

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

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Existing System

Date construction will be completed: _____

Date beneficial water use will begin: _____

SECTION 8: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

| | | |
|--------------------------|---------|-----|
| Irrigation District Name | Address | |
| City | State | Zip |

SECTION 9: REMARKS

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

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DOUGLAS COUNTY PLANNING & BUILDING

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

1/15/2013
1:28 pm

Permit Number: WS13-0013
Job Address: 1682 OLALLA RD, WINSTON

Receipt: P14544

| Fee Description | Fee Amount |
|-------------------------|-------------------|
| WORKSHEET | \$55.00 |
| Total Fees Paid: | \$55.00 |

Paid By: **MARSHALL, BECKY L**
Pay Method: **CHECK 1007**
Received By: **DEBBI GARRIS**

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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: Becky Marshall
First Last

Mailing Address: 936 SE Sharon

Roseburg OR 97470 Daytime Phone: 541-440-4359
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: |
|----------|-------|---------|------|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| 28S. | 7W. | 34 | NENW | 1000 | | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Domestic |
| 28S | 7W. | 34 | NWNW | 700 | | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used | |
| | | | | | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used | |
| | | | | | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used | |

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Douglas County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Ben Irving Reservoir

Estimated quantity of water needed: 2.0
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

Domestic Expanded use including irrigation of .50 acre lawn/garden. **RECEIVED BY OWRD**

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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. →

8-87859

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): LU100 Section 3.3.050.1 and Section 3.3.075.1
- 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

R50127
W/S 13-0013
Receipt # P14544

Name: Louise R. Nicholls Title: Planner

Signature: Louise R. Nicholls Phone: 541-440-4289 Date: 1-15-13

Government Entity: Douglas County - Planning Dept.

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

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Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

JAN 16 2013

SALEM, OR

Date _____

January 14, 2013

Evan Barnes, District Manager
Lookingglass Olalla Water Control District
P.O. Box 1579
Roseburg, OR 97470

Mr. Barnes:

I hereby intend to file an application with the Oregon State Water Resources Department to use 2 acre feet of stored water from Ben Irving Reservoir for domestic expanded purposes for my property at 1682 Olalla Rd., Winston, OR 97496.

Sincerely,

A handwritten signature in cursive script that reads "Becky Marshall".

Becky Marshall

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SALEM, OR

S-87859



After recording return to:
Becky Marshall
1682 Olalla Rd
Winston, OR 97496

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

Becky Marshall
1682 Olalla Rd
Winston, OR 97496

Escrow No. RB0703515
Title No. 0703515
SWD

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2009-020559



\$46.00

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

12/02/2009 03:01:03 PM

AmeriTitle 703515

STATUTORY WARRANTY DEED

Gregory L. Marshall, Grantor(s) hereby convey and warrant to **Becky L. Marshall**, 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:

See Attached Exhibit 'A'

TOGETHER WITH easement for water line as disclosed in Instrument No.80-4838 and easement for water pipeline, pump and power services as disclosed in Instrument No. 2008-10615, Deed Records, Douglas* FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

R50127

T28S R07W S34 TL01000

*County, Oregon.

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 **Correct Vesting**.

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. 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.

Dated this 24 day of November, 2009.

Gregory L. Marshall

State of Oregon
County of DOUGLAS

This instrument was acknowledged before me on November 24, 2009 by Gregory L. Marshall.



(Notary Public for Oregon)
My commission expires 6-21-2010

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EXHIBIT "A"

All that portion of the following described property in Section 34, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, which lies North of Perron Creek and Easterly of the Easterly right of way line of the new Olalla County Road No. 38:

BEGINNING at the Northwest corner of Lot 3 of Section 33, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon; thence South 28.09 chains; thence East 66.92 chains; thence North 28.09 chains; thence West 66.92 chains to the place of beginning.

EXCEPTING THEREFROM any portion lying South of the following described line and the center line of Perron Creek as described in Deed Records, Douglas County, Oregon, Instrument No. 83-12669, said property line being described as follows:

BEGINNING at a 5/8 inch by 30 inch iron rod set on the East right of way line of Olalla Road No. 38 from which the Northeast corner of Donation Land Claim No. 57, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon bears South 29° 23' 14" East 2821.20 feet; thence running North 77° 50' 38" East 241.14 feet to a 5/8 inch by 30 inch iron rod; thence running North 79° 55' 25" East 141.29 feet to a point on a North-South agreed and established fence line between property described as Deed Reference Nos. 300916 and 83-12669.

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

T28S, R07W, S34, TL 1000

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JAN 18 1991

SALEM, OR

END OF DOCUMENT

S-87859

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



EASEMENT

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2008-010615



\$36.00

00218598200800106150020036

05/30/2008 11:06:57 AM

EASE-EASE Cnt=1 Stn=3 MARRIAGECOUNTER
\$15.00 \$11.00 \$10.00

was

ed in

option

Between

DAVID H AND JILL G. COOPER
1561 OLALLA RD
WINSTON, OR 97496

And

GREGORY L AND BECKY L MARSHALL
1682 OLALLA RD
WINSTON, OR 97496

After recording, return to (Name, Address, Zip):

DAVID COOPER
1561 OLALLA RD
WINSTON, OR 97496

FOR
RECORDER'S USE

NO. _____, RECORDER OF THIS COUNTY.

Witness my hand and seal of County affixed.

NAME TITLE

By _____, Deputy.

THIS AGREEMENT made and entered into on MAY 15th, 2008, by and between DAVID H. COOPER AND JILL G. COOPER hereinafter called the first party, and GREGORY L MARSHALL AND BECKY L MARSHALL hereinafter called the second party, WITNESSETH:

WHEREAS: The first party is the record owner of the following described real property in DOUGLAS County, State of Oregon, to-wit: CREEK AND COUNTY ROAD AND WICH IS DESCRIBED AS FOLLOWS: BEGINING AT A POINT ON THE SOUTH LINE OF SAID CLAIM WICH IS IN THE CENTER OF OLALLA CREEK AND 4,984.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID CLAIM; THENCE RUNNING DOWN STREAM ALONG THE CENTER OF SAID CREEK AND RUNNING IN AN EASTERLY DIRECTION, PARALLEL TO THE SOUTH LINE OF SAID DLC NO. 53 TO A POINT ON THE WESTERLY LINE OF COUNTY RD; THENCE THE SOUTH LINE OF SAID DLC; THENCE LEAVING SAID ROAD LINE AND RUNNING WESTERLY ALONG THE SOUTH LINE OF SAID LAND CLAIM 426.0 FEET TO THE PLACE OF BEGINING.

and has the unrestricted right to grant the easement hereinafter described relative to the real estate; ^{OC} and the second party is the record owner of the following described real property in that county and state, to-wit:

See EXHIBIT "A"

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NOW, THEREFORE, in view of the premises and in consideration of \$ 1,500.00 by the second party to the first party paid, the receipt of which is acknowledged by the first party, it is agreed:

The first party hereby grants, assigns and sets over to the second party an easement, to-wit:

^{OC} AN 8' STRIP ALONG THE MOST SOUTHERN BOUNDARY OF LOT #700, 116.09, SECTION 34, T28S R7W WM, FOR PURPOSES OF WATER PIPE LINE, PUMP AND POWER SERVICES (NOTE: THE SECOND PARTY SHALL MAKE EVERY EFFORT TO AVOID DAMAGE TO EXISTING WATER LINES, ELECTRICAL LINES, ECT EXISTING IN THAT AREA AND WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO SAID LINES).

Scanned

Date 5-6-08

(INSERT A FULL DESCRIPTION OF THE NATURE AND TYPE OF EASEMENT GRANTED BY THE FIRST PARTY TO THE SECOND PARTY.)

(OVER)

5-87859



The second party shall have all rights of ingress and egress to and from the real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party agrees to save and hold the first party harmless from any and all claims of third parties arising from the second party's use of the rights herein granted.

The period of this easement shall be PERMANENT, always subject, however, to the following specific conditions, restrictions and considerations:

NOISE FROM PUMP SHALL BE KEPT MINIMAL, SECOND PARTY SHALL NOTIFY FIRST PARTY PRIOR TO ACCESS EXCEPT IN AN EMERGENCY.

DC
FOUR If this easement is for a right of way over or across the real estate, the center line of the easement is described as follows:
THREE FEET NORTH OF THE MOST SOUTHERN BOUNDARY OF LOT 700, 116.09 SECTION 34, T28S R7W W.M.

and the second party's right of way shall be parallel with the center line and not more than (4) FOUR DC FIVE feet distant from either side thereof.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be the responsibility of (check one): the first party; the second party; both parties, share and share alike; both parties, with the first party responsible for _____% and the second party responsible for _____%. (If the last alternative is selected, the percentages allocated to each party should total 100.)

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned 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 its board of directors.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on the day and year first written above.

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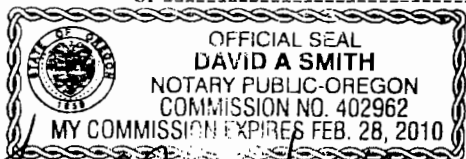
JAN 16 2013

SALEM, OR

STATE OF OREGON, County of Douglas) ss.

This instrument was acknowledged before me on May 31st, 2008
by David H. Cooper and Jill G. Cooper

This instrument was acknowledged before me on _____
by _____
as _____
of _____



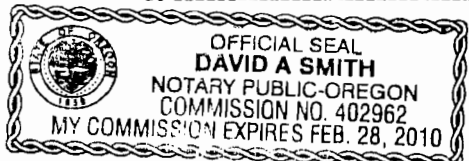
David A. Smith
Notary Public for Oregon
My commission expires Feb 28, 2010

Greg Marshall
Becky L Marshall
SECOND PARTY

STATE OF OREGON, County of Douglas) ss.

This instrument was acknowledged before me on May 22nd, 2008
by Becky L Marshall and Gregory L Marshall

This instrument was acknowledged before me on _____
by _____
as _____
of _____



David A. Smith
Notary Public for Oregon
My commission expires Feb 28, 2010

EXHIBIT "A"

All that portion of the following described property in Section 34, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, which lies North of Perron Creek and Easterly of the Easterly right of way line of the new Olalla County Road No. 38:

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EXCEPTING THEREFROM any portion lying South of the following described line and the center line of Perron Creek as described in Deed Records, Douglas County, Oregon, Instrument No. 83-12669, said property line being described as follows:

BEGINNING at a 5/8 inch by 30 inch iron rod set on the East right of way line of Olalla Road No. 38 from which the Northeast corner of Donation Land Claim No. 57, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon bears South 29° 23' 14" East 2821.20 feet; thence running North 77° 50' 38" East 241.14 feet to a 5/8 inch by 30 inch iron rod; thence running North 79° 55' 25" East 141.29 feet to a point on a North-South agreed and established fence line between property described as Deed Reference Nos. 300916 and 83-12669.

T28S, R07W, S34, TL 1000

Order No. 700204.

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END OF DOCUMENT