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

AME				PHONE (HM)
ARK OR KELLY BENNETT				
HONE (WK)	E (WK) CELL 415-497-4774			
DDRESS	413	471-4114		
382 LOOKINGGLASS RD				
TY	STATE	ZIP	E-MAIL *	
OSEBURG	OR	97471	MABENNETT@COM	MCAST.NET
rganization Information			PHONE	Tray
AME			PHONE	FAX
DDRESS				CELL
TY	STATE	ZIP	E-MAIL *	
The state of the s	s authorized to	represe		all matters relating to this application
GENT / BUSINESS NAME			PHONE	FAX
DDRESS				CELL
TY	STATE	ZIP	E-MAIL *	
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For Department Use

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated w conveyed, and used.	ith the project from which the water is to be diverted,
Yes There are no encumbrances. This land is encumbered by easements, r	rights of way, roads or other encumbrances.
	tion or easement permitting access. not necessary, because the only affected lands I do not and this application is for irrigation and/or
List the names and mailing addresses of all affected	andowners (attach additional sheets if necessary).
Ronald and Norma Meyer 8485 Lookingglass Rd. Roseburg, OR 97471	
	property from which the water is to be diverted, 2. Any ever work, and 3. Any property on which the water is to be
SECTION 3: SOURCE OF WATER	
A. Proposed Source of Water	
Provide the commonly used name of the water body stream or lake it flows into. If unnamed, say so:	from which water will be diverted, and the name of the
Source 1: Ben Irving Reservoir	Tributary to: Lookingglass Creek
Source 2: Tribu	tary to:
Source 3: Tribu	tary to:
Source 4: Tribu	tary to:
	orized under a water right permit, certificate, or decree, attacl (for decrees, list the volume, page and/or decree name).
B. Applications to Use Stored Water	RECEIVED BY OWRD
Do you, or will you, own the reservoir(s) described i	n item 3A above? JUL 16 2014
☐ Yes.	SALEM, OR

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.)					
		Department will review your a the box below. Please see the	application using the expedited instruction booklet for more		
standard proce	ss outlined in ORS 537.1	g that the Department process 50 and 537.153, rather than the ider the standard process, you	e expedited process provided by		
	pound the volume of water	tract or other agreement with er you propose to use in this	the owner of the reservoir (if not		
 A copy of to you. 	your written agreement w	vith the party (if any) delivering	ng the water from the reservoir		
SECTION 4: WATER US	SE				
gallons-per-minute (gpm).	If the proposed use is from	m each source, for each use, in m storage, provide the amount 325,851 gallons or 43,560 cu			
SOURCE	USE	PERIOD OF USE	AMOUNT		
Ben Irving Reservoir	Irrigation - 120 acre feet of water	March 1 - October 31	☐ cfs ☐ gpm 🖾 af		
			☐ cfs ☐ gpm ☐ af		
			☐ cfs ☐ gpm ☐ af		
			☐ cfs ☐ gpm ☐ af		
	Supplemental:te number of the underlyi	_	season: <u>120</u>		
			RECEIVED BY OWRE		
-	or quasi-municipal, atta		JUL 16 2014		
	indicate the number of ho describe what is being t	ouseholds: mined and the method(s) of	extraction: SALEM, OR		
	accertoe what is being i	minoa una une memoa(s) Ul	enduoni.		

S-8800

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SECTION 5: WATER MANAGEMENT

A.		on and Conveyance quipment will you use to pump water from your source?
	Nun	np (give horsepower and type): 75 HP portable pump
	Oth	er means (describe):
	diversi	e a description of the proposed means of diversion, construction, and operation of the on works and conveyance of water. will be pumped from Lookingglass Creek and piped to irrigation area.
В.	What e sprinkle	ation Method quipment and method of application will be used? (e.g., drip, wheel line, high-pressure er) pipeline to irrigation wheel line
c.		vation describe why the amount of water requested is needed and measures you propose to: prevent measure the amount of water diverted; prevent damage to public uses of affected surface
fea		s needed for irrigation of 48 acres on the property. Most efficient method of irrigation will be used as prevent waste, erosion and control run-off.
SE	CTION	6: RESOURCE PROTECTION
ear pos	eful consisible per	permission to use water from a stream or lake, the state encourages, and in some instances requires, trol of activities that may affect the waterway or streamside area. See instruction guide for a list of rmit requirements from other agencies. Please indicate any of the practices you plan to undertake to er resources.
	\boxtimes	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.
	\boxtimes	Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:
	\boxtimes	Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:
	\boxtimes	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 /: PROJECT SCHEDULE		
Date construction will begin: Upon issuance of permit		
Date construction will be completed: October 31, 2015		
Date beneficial water use will begin: October 31, 2016		
SECTION 8: WITHIN A DISTRICT Check here if the point of diversion or place of to other water district.		rved by an irrigation or
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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EASEMENT AGREEMENT

Recitals

RONALD R. HEYER and NORMA J. MEYER, Trustees of the MEYER FAMILY TRUST dated October 12, 1989 (hereafter "Grantors") own that real property described in the attached Exhibit A. ALBERT A. BROUGHTON and CONNIE L. BROUGHTON, husband and wife (hereafter "Grantees") own that adjoining real property described in the attached Exhibit B.

The Grantees desire a waterline easement for the benefit of the Grantees' property.

WHEREFORE THE PARTIES AGREE AS FOLLOWS:

Agreement

- 1. Grantors hereby grant to Grantees, and their heirs, successors, and assigns, a 10-foot wide easement described in the attached Exhibit C. Grantees may locate a waterline, water pump and any necessary related equipment within the easement.
- 2. The easement shall be perpetual, non-exclusive, and shall be appurtenant to the property of the Grantees.
- 3. The Grantees shall have the right to come on to the Grantors' property at reasonable times for the purposes of maintaining the waterline and related equipment.
 - 4. There is no consideration for this easement.

IN WITNESS WHEREOF said parties have executed this

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JUL 16 2014

BOOK 1120 PAGE 897 instrument as of the date below written. Dated Slonald R. HEYER, G. Grantor Trustee of the Meyer Family Trust Norma J. Meyer, Grantor Trustee of the Meyer Family Trust STATE OF OREGON County of Douglas On this the day of December above-mentioned ALBERT A. BROUGHTON and CONNIE L. BROUGHTON personally appeared before me and acknowledged the foregoing instrument to be their voluntery act and deed. Notary Public for Oregon My Commission Expires: STATE OF OREGON County of Douglas On this 46 day of Weember, 1990, the above-mentioned RONALD R. MEYER and NORMA J. MEYER personally appeared before me and acknowledged the foregoing instrument to be their voluntary act and deed. Notary Public for Oregon My Commission Expires: RECEIVED BY OWRD

JUL 16 2014

SALEM, OR

5-8800

EXHIBIT "A" BOOK 1120 PAGE 898

Beginning at a 1/2 inch iron pipe on the westerly line of the Lookingglass to Brockway county road, which is S. 10 38' W. 125.0 feet from the N. E. Corner of the Jos. Huntley Donation Land Claim No. 40, Twp. 28 South, Rge. 7, W. W.M., thence running from said beginning point along the westerly line of said road, South 0 09' West 1299.2 feet to a 3/4 inch iron pipe and South 20 East 60.9 feet to a 3/4 inch iron pipe at an intersection with a fence line on the East line of said Donation Land Claim, -thence leaving the westerly line of said road and running south 0 39' West 336.1 feet along the East line of said Donation Land Claim, to the center of Lookingglass Creek, - thence running upstream along the center of said creek, North 41 27' West 284.5 feet, North 5 40' West 296.3 feet and North 12 48' West 374.1 feet to a point, thence leaving the center of said creek and running North 22 03' East 60.3 feet to a 3/4 inch iron pipe, thence continuing North 22 03' East 60.3 feet to a 3/4 inch iron pipe, thence running along the south line of said road South 89 39' East 75.3 feet to an iron pipe and South 35 54' East 121.0 feet to the place of beginning, situated in Sec. 1, Twp. 28, South, Rge. 7 West, Willamette Heridian, Douglas County, Oregon.

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JUL 16 2014

BOOK 1120 PAGE 899

EXHIBIT "B"

Beginning at a point in the prolongation North of the east line of the Joseph Huntley Donation Land Claim No. 40 in Section 1, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, 1167 feet South of the north line of said Section 1; thence South 17.62 chains; thence East 89.88 chains; thence North 30° 45' East 2.50 chains; thence North 26° 0' East 2.50 chains; thence North 26° 0' East 2.50 chains; thence North 26° 0' East 6° 0' East 1.50 chains; thence North 20° 30' East 3 chains; thence North 16° 15' East 2 chains; thence North 17° 30' East 1 chain; thence North 7° 30' West 2.09 chains; thence West 95.46 chains to the place of beginning, and being the same real estate conveyed to The Union Central Life Insurance Company by deed dated October 11, 1935, and recorded in Volume 96, Page 635, Deed Records of Douglas County, Oregon.

EXCEPTING THEREFROM any part lying within a public road.

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BOOK 1120 PAGE 900

EXHIBIT "C"

A 10.00 foot wide water line easement in Sections 1 and 2, T28S, R7W, W.M., Douglas County, Oregon. The centerline of which being described as follows, Beginning at a point in the center of Lookingglass creek that bears S 3°28'59"W, 1446.03 ft. from the NE corner of DLC No. 40, Section 1, T28S, R7W, W.M., thence N33°33'29"E, 196.96 ft.to a point, thence N 2°06'39"W, 90.51 ft. to a point, thence N 9°36'08"W, 138.30 ft. to a point, thence N40°20'32"E, 10.00 ft. more or less to the Westerly right of way of County Road No. 47, thence across said right of way N40°20'32"E, 2.00 ft. more or less to a point, thence continuing across said right of way N49°20'38"E, 78.00 ft. more or less to a point on the Easterly right of way of County Road No. 47.

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JUL 16 2014

SALEM, OR

STATE OF OREBON]
COUNTY OF DOUGLAS | SR.
L GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HERBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

THE STATE OF THE STATE O

1990 DEC -6 PH 1: 25

DOUGLAS COUNTY CLERK

90-18024

HANDED

.

RETURN TO WESTERN TITLE & ESCROW

Douglas County Official Records Patricia K. Hitt, County Clerk

2014-003156

02/24/2014 10:52:22 AM

DEED-BS Cnt=1 Stn=4 ROBIN \$15.00 \$11.00 \$10.00 \$20.00

\$56.00

Western Title & Escrow Order Number: 83121

Grantor

AmericanWest Bank, successor by merger to PremierWest Bank

Grantee

Mark A. Bennett Kelly L. Bennett 111 H Lane Novato, CA 94945

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

Mark A. Bennett Kelly L. Bennett 111 H Lane Novato, CA 94945

Reserved for Recorder's Use

STATUTORY BARGAIN AND SALE DEED

AmericanWest Bank, successor by merger to PremierWest Bank, Grantor(s)

conveys to

Mark A. Bennett and Kelly L. Bennett, Grantees, the following described real property: **as tenants by the entirety

SEE ATTACHED EXHIBIT "A"

Account: R44870 & R44877 & R35889

Map & Tax Lot: 28-07W-01-00600 Map & Tax Lot: 28-06W-06-00500

The true consideration for this conveyance is \$1,396,800.00. (Here comply with requirements of ORS 93.030.)

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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SALEM, OR

Inlitial Here

P-8800

American West Bank, successor by merger to Premier West Bank

By: John Maching
Its J. a free ideal

State of Lashington, County of Spokane) ss.

This instrument was acknowledged before me on this of bay of February, 2014 by John Mackay, as JP of American West Bank, successor by merger to Premier West Bank

Notary Public for the State of Lashington

My commission expires: June 18, 2016

BRENDA M BINDER

MY COMMISSION EXPIRES

June 18, 2016

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JUL 16 2014

EXHIBIT "Å"

THE AND REPORTED BY SERVICE OF THE PROPERTY OF

Beginning at a point in the prolongation North of the East line of The Joseph Huntley Donation Land Claim No. 40, in Section 1, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, 1167 feet South of the North line of said Section 1; thence South 17.62 chains; thence East 89.88 chains; thence North 30° 45′ East 2.50 chains; thence North 26° 0′ East 2.50 chains; thence North 19° 30′ East 4.25 chains; thence North 6° 0′ East 1.50 chains; thence North 20° 30′ East 3 chains; thence North 16° 15′ East 2 chains; thence North 17° 30′ East 1 chain; thence North 7° 30′ West 2.09 chains; thence West 95.46 chains to the place of beginning, and being the same real estate conveyed to The Union Central Life Insurance Company by deed dated October 11, 1935, and recorded in Volume 96, Page 635, Deed Records of Douglas County, Oregon.

ALSO a parcel of land lying in Section 1, Township 28 South, Range 7 West, Williamette Meridian, Douglas County, Oregon, and being described as follows:

Beginning at the most Southerly Southwest corner of that property described in Recorder's No. 87-860, Records of Douglas County, Oregon, from which point the South quarter corner of Section 36, Township 27 South, Range 7 West, Willamette Meridian, Douglas-County, Oregon, bears-North-25°-51′-East-647.60-feet-and-North-67° 35′ 56″ East 1523.62 feet; thence South 89° 53′ East along the Southerly line of said property 2240.07 feet; thence North 25° 51′ East 647.60 feet; thence North 89° 53′ West 2240.07 feet; thence South 25° 51′ West 647.60 feet to the point of beginning.

ALSO EXCEPTING THEREFROM any part lying within a public road.



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SALEM, OR

C-8800

JUL 16 2014



Oregon Water Resources Department Land Use Information Form

SALEM, OR

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and <u>all</u> of the following apply:
 - a) only the place of use is proposed for change;
 - b) there are no structural changes;
 - c) the use of water is for irrigation; and
 - d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant: Mark			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Bennett					
ailing A	ddress: 83	82 Look	kingglass l	₹d.			Cast		
	Roseburg		0		97471 _D	aytime Phone	.: <u>451-497</u>	-4774	
	City	•		State	Zip				
ase included	loped. Appl	ving informicants		, or irrigatio	re water will be diverte n uses within irrigation				
Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
28S	7W	1	SENW, SWNE, SENE,	600		☐ Diverted	Conveyed	Used	
28S	7W	1	NWNE, NENE	600		☐ Diverted	Conveyed	Used	
28S	7W	1	SWNW	600		☐ Diverted	■ Conveyed	Used	
28S	7W	1	NWSE	700		Diverted	Conveyed	☐ Used	
	County								
pe of appl Permit to Limited urce of wa	o Use or Stor Water Use L ter:	e filed with re Water License Reservoir/Potater needed	the Water R Water F Allocat Gr 120 ation	Right Transfer ion of Conser ound Water Commercial	r Permit ved Water Excha Surface Water (1 _ Cubic feet per seco	nge of Water name) Ben I nd gal	rving Rese	ervoir acr	d(s)
efly descr	ibe:	Mun	icipal	Quasi-Munic	ipal Instream	Other			
Vater is	needed	for irriga	ation of 48	acres.					

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 next page.

The provided HTML 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 next page.



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.

		vater uses (including proposed constructe ordinance section(s): Section 3.	tan) and allaura		regulated by Land USC. And Auctopment
☐ Land listed of A	uses to be served by the proposed v I in the table below. (Please attach d	vater uses (including proposed construct ocumentation of applicable land-use ap anying findings are sufficient.) If appro	tion) involve di provals which l	scretionary land-use have already been ob	approvals as ordina otained. Record
	Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-Use Approval:	
			☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued	
			Obtained Denied	☐ Being Pursued ☐ Not Being Pursued	
			☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued	
			Obtained Denied	☐ Being Pursued ☐ Not Being Pursued	
			Obtained Denied	☐ Being Pursued ☐ Not Being Pursued	
K.	14870; R44877 ; R	DOUG	LAS COUNTY PLA ROOM 106, JUS' OUGLAS COUNT ROSEBURG,	INNING DEPARTMENT TICE BUILDING Y COURTHOUSE	JUL 16 2014
					SALEM, OR
Name:	RICKY HOPPman		INNEC		
	e: My M			4289 Date: 0	7-14-14
	ment Entity: Douglas C	ounty			
the recei	ipt, you will have 30 days from the \	Please complete this form or sign the re Water Resources Department's notice day and with the proposed use of water is con	te to return the	completed Land Us	e Information Form
	<u>Rece</u>	eipt for Request for Land Us	e Informati	ion	
Applica	nt name:				
	it flame.				

S-88000

Signature: _____ Phone: ____ Date: ____

March 27, 2014

Evan Barnes, District Management Lookingglass Olalla Water Control District PO Box 1579 Roseburg, OR 97471

Dear Mr. Barnes:

I hereby intend to file an application with the Oregon State Water Resources Department to use 120.0 acre feet of stored water from Ben Irving Reservoir.

Sincerely,

Mark Bennett

8382 Lookingglass Rd.

Roseburg, OR 97471

RECEIVED BY OWRD

JUL 16 2014