

# 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 SCOTT OR CINDY MCGINNIS		PHONE (HM) 541-673-5379	
PHONE (WK)	CELL	FAX	
ADDRESS 1638 DEL RIO RD.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL *

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### 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 *

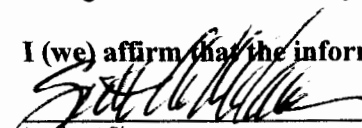
Note: Attach multiple copies as needed

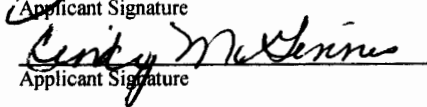
\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

### 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

SCOTT A. MCGINNIS  
Print Name and title if applicable

CINDY MCGINNIS  
Print Name and title if applicable

4/23/2015  
Date

4-23-15  
Date

Revised

App. No. <u>5000</u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

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

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

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

Douglas County

*You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.*

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**SECTION 3: SOURCE OF WATER**

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**A. Proposed Source of Water**

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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 > Pacific Ocean
- 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 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: .50 Acres                      Supplemental:        Acres

List the Permit or Certificate number of the underlying primary water right(s):       

Indicate the maximum total number of acre-feet you expect to use in an irrigation season:       

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 2 Horsepower - Electric

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water will be pumped from the North Umpqua River for domestic purposes and .50 acre irrigation.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Household plumbing system and residential lawn/garden sprinkler irrigation.

**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 and lawn/garden irrigation on the property. Best residential management practices will be used to prevent waste, erosion and control run-off.

**SECTION 6: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

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

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Upon issuance of permit

Date construction will be completed: October 31, 2016

Date beneficial water use will begin: October 31, 2017

**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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## Planning and Sanitation Pre-Application Worksheet

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### OTHER ACTION

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Worksheet Number <h2 style="margin: 0;">WS15-0287</h2>	Applicant <b>MCGINNIS, SCOTT A &amp; CINDY L</b> PO BOX 881 WINCHESTER, OR 97495 (541) 673-5379	Owner <b>MCGINNIS, SCOTT A &amp; CINDY L</b> PO BOX 881 WINCHESTER, OR 97495
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### SITE INFORMATION

Site Address <b>1638 DEL RIO RD ROSEBURG, OR 97471</b>	MTL <b>26-06W-23A-01600</b>	Property ID Number (Primary) <b>R49965</b>	Size (Acres) <b>0.85</b>
Improvement <b>LUCS FOR OWRD FOR WATER RIGHTS</b>		Proposed Use <b>Land Use Compatibility Statement</b>	
Existing Structures (Number and Type) <b>SFD; SHOP; SHED</b>		Distance of Building Site from River, Creek, or Stream Bank <b>&gt;50'</b>	
Directions <b>NA</b>			

As, for, or on behalf of, all property owners:

APPLICANT SIGNATURE: *Cindy McGinnis*      DATE: 4-23-15

### PLANNING DEPARTMENT INFORMATION

Zoning <b>RR</b>	Overlays <b>FP</b>		
<b>SETBACKS (Rural Residential - 2 Acre)</b>			
Front Property Line of Right of Way <b>30 Feet</b>	Rear Line <b>10 Feet</b>	Side Line <b>10 Feet</b>	Exterior Side Line <b>NA</b>
Sign Code <b>NO SIGN PROPOSED - N/A</b>	Special Setback <b>NA</b>	Riparian Setback <b>50 FEET</b>	
Parking Spaces Required <b>NA</b>	Building Height <b>45 Feet</b>	Flood Plain <b>Yes</b>	Floor Height Above Ground <b>NA-LUCS</b>

Conditions of Approval  
**LUCS FOR OWRD FOR WATER RIGHTS; NO STRUCTURAL DEVELOPMENT AUTHORIZED; MUST MEET ZONING AND SETBACK REQUIREMENTS.**

Sanitation <b>OSS - Existing System</b>	Sanitary District	Water <b>Public</b>	Access Permit Required? <b>NO</b>
Report Codes <b>NONSTRUCTURAL</b>			
Refer To <b>NONE</b>			

Approved By: <b>JKA</b>	Date: <b>4/23/2015</b>	Receipt #: <b>P20240</b>	Amount: <b>\$ 55.00</b>	Expiration Date: <b>4/21/2016</b>
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### SANITATION INFORMATION

SE#	STP#	Existing System	System:    Approved ___ Denied ___
Remarks			
By:	Date:	CSC Date:	

*S-80075*

# Land Use Information Form

WS15-0287  
R 49965  
Zone: RR  
RCPT: P20240



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

Applicant(s): Scott McGinnis

Mailing Address: 1638 Del Rio Rd.

City: Roseburg

State: OR

Zip Code: 97471

Daytime Phone: 541-673-5379

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>26S.</u>	<u>6W.</u>	<u>23</u>	<u>NWNE</u>	<u>1600</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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	_____
_____	_____	_____	_____	_____	_____	<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:

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## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) North Umpqua River

Estimated quantity of water needed: 0.01     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for 1 household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

Water is needed for domestic purposes and up to .50 acre irrigation on lawn/garden.

**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. →

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# 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.

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**DOUGLAS COUNTY PLANNING DEPARTMENT**  
**ROOM 106, JUSTICE BUILDING**  
**DOUGLAS COUNTY COURTHOUSE**  
**ROSEBURG, OR 97470**

Name: Jennifer Arnold Title: Planner  
 Signature: Jennifer Arnold Phone: 541-440-4289 Date: 4/23/15  
 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**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



Douglas County Official Records  
Patricia K. Hitt, County Clerk

2015-005147

03/27/2015 10:10:10 AM

DEED-PRD Cnt=1 Str=4 ROBIN  
\$15.00 \$11.00 \$10.00 \$20.00

\$56.00

AmeriTitle 3/15/36AM

DOUGLAS COUNTY CLERK



# CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM ORIGINAL  
DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

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THIS SPACE RESERVED FOR RECORDER'S USE

Estate of Leonard H. Case  
1638 Del Rio Road  
Roseburg, OR 97471

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Scott A McGinnis and Cindy L. McGinnis  
Po Box 881  
Winchester, OR 97495

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AFTER RECORDING RETURN TO:  
Scott A McGinnis and Cindy L. McGinnis  
Po Box 881  
Winchester, OR 97495

SALEM, OR

Until a change is requested all tax statements  
shall be sent to the following address:  
Scott A McGinnis and Cindy L. McGinnis  
Po Box 881  
Winchester, OR 97495

File No. 36536AM

**PERSONAL REPRESENTATIVE'S DEED**

THIS INDENTURE Made this 26 day of March, 2015, by and between Michael L. Case the duly appointed, qualified and acting personal representative of the estate of Leonard H. Case, deceased, hereinafter called the first party, and

Scott A. McGinnis and Cindy L. McGinnis, as Tenants by the Entirety,

hereinafter called the second party;

WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of the decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situated in the County of Douglas, State of Oregon, described as follows, to-wit:

Beginning at a 1 1/2 inch iron pipe in the Southwesterly right of way line of the Winchester-Garden Valley County Road No. 115, and from which the quarter corner between Sections 23 and 24, Township 26 South, Range 6 West, Willamette Meridian bears South 15° 36' East 582.1 feet, East 1214.1 feet and South 1357.3 feet, said 1 1/2 inch iron pipe being the Northerly corner of that parcel conveyed to George Smith by Virgil Smith and described in Volume 165, Page 29, of the Deed Records of Douglas County, Oregon; thence South 55° 03' West along the Northwesterly boundary of said George Smith property, 159.6 feet to a 1/2 inch iron pipe 193.5 feet to a 1/4 inch iron pipe in the high bank of the North Umpqua River, and 70.0 feet to the low bank of said river; thence North 44° 05' West 93.2 feet downstream along said right bank of said river; thence North 55° 03' East 67 feet to a 3/4 inch iron pipe on the high bank of said river, and 453.9 feet to a 3/4 inch iron pipe in the Southwesterly right of way of aforesaid County Road; thence South 7° 09' West 124.0 feet along said right of way line to the place of beginning, in Section 23, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT that portion conveyed to Douglas County by Recorder's No. 69-5692, Records of Douglas County, Oregon.

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

26-06W-23A-01600

The true and actual consideration paid for this transfer, stated in terms of dollars is \$304,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part / whole of the consideration.

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

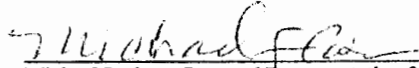
26-06W-23A-01600 R49965

S-00075

TO HAVE AND TO HOLD the same unto the said party, and second party's heirs, successors-in-interest and assigns forever.  
IN WITNESS WHEREOF, the said first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

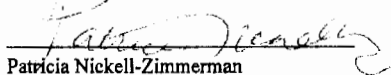
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

Executed this 26 day of March, 2015.

  
Michael L. Case, Personal Representative for the Estate of  
Leonard H. Case, Deceased.

STATE of Oregon,  
County of Douglas ) ss.

This instrument was acknowledged before me on March 26, 2015 by Michael L. Case as Personal Representative for the Estate of Leonard H. Case.

  
Patricia Nickell-Zimmerman  
Notary Public for Oregon  
My commission expires July 02, 2018



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