

MAY 23 2019

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

OWRD

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Matthew Howell
First Last
Mailing Address: 6651 Westside Rd
Cave Junction OR 97523
City State Zip
Phone: 512 585 4076
Home Work Other

Fax: _____ E-Mail Address*: Matthew.howell@gmail.com

* 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.)

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Please contact
applicant 1st

Agent: Bob Hart
First Last
Mailing Address: 5126 West Evans Creek
Rogue River OR 97537
City State Zip
Phone: 541 582 8890
Home Work Other

Fax: _____ E-Mail Address*: _____

* 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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Gringo's Pond

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: unnamed surface run off Tributary to: unnamed

C. County in which diversion occurs: Josephine

App. No. R-88772

For Department Use

Permit No. _____ Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
40	08	06	NE/NE	100

E. Dam: Maximum height of dam: 10 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 9 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ No (Please check the appropriate box below)

☐ 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 irrigated and/or domestic use only (ORS 274.040).

(Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

Matthew Howell, 6651 Westside Rd Cave Junction
Oregon 97523 - Owner/Applicant

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6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: ☐ in-stream or ☒ off channel?
- B. **Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. **Existing:** Is this an existing reservoir? ☐ Yes ☒ No
If yes, how long has it been in place? _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. 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

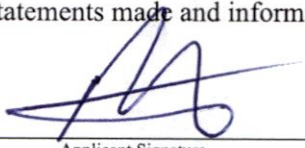
8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.



Applicant Signature

5/17/19

Date

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Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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8. Description

The pond would be constructed with a berm dam, utilizing the existing side slopes. The pond will be filled with seasonal unnamed surface run-off from a hill directly to the northeast of the dam. An overflow culvert will allow water to pass through when the pond is full and continue downstream. However, in the event the pond is not full, a head gate at the bottom of the dam will facilitate water passage so as to pass water when outside of the fill period.

The pond will be used as a multi-purpose use pond. It would also be kept available as a means of fire protection as the property serves as an access point for fire crews to reach the fire lines immediately west of the property. It's current state of affairs, the surface run-off water simply waters a thick bramble of blackberry bushes, wasting water and fueling invasive plant species.

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: Matt Howel

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☒ NO ☐ YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:



Date: 3/21/2019

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Matthew Howell

6651 Westside Rd, Cave Junction OR 97523

Reservoir Name: Gingo's Pond Source: Surface runoff Volume (AF): 9

Twp Rng Sec QQ: 40 08 06 NE/NE #100 Basin Name: Rogue ☒ in-channel
☐ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? ☐ YES ☒ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present?..... ☐ YES ☒ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☒ YES ☐ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period May through November poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

This application proposes to create a reservoir on an un-named tributary of the West Fork Illinois River near Cave Junction. According to OWRD the instream right (59773) is met December through April on the West Fork at 80% exceedance. Also, ODFW conducted a site visit and it is unclear if this tributary is connected to a larger waterway.

Therefore, ODFW believes if the permit is conditioned as recommended, significant negative impacts to fisheries resources in the West Fork Illinois can be lessened. Fisheries resources in the West Fork of the Illinois include

Coho (threatened) and fall Chinook salmon, Pacific lamprey (sensitive), winter Steelhead, and coastal cutthroat trout.

If the instream right on the West Fork of the Illinois is not being met, this pond should not be appropriating water.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ **NO** (explain)

☒ **YES** (select from Menu of Conditions on next page)

b51a. The period of use has been limited to December through April.

riparian

ODFW Signature: 

Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist

Date: 4/23/2019

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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Land Use Information Form

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

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Applicant: Matthew First

Howell Last

Mailing Address: 6651 Westside Rd

Cave Junction City OR State 97523 Zip

Daytime Phone: 512 585 4076

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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>40</u>	<u>08</u>	<u>06</u>	<u>NE/NE</u>	<u>100</u>	<u>Serpentine</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>multiple purpose</u>
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Josephine 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) unnamed surface run off

Estimated quantity of water needed: 9 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 3 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other multiple purpose

Briefly describe:

Multipurpose to include "stockwater, fish, wildlife, aesthetics, domestic, irrigation, agriculture, fire protection, and pollution abatement".

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.

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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): JCC SECTION 19.67.020.D
- ☐ 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:	
		☐ 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

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.

AGRICULTURE, FARMING & FARM USE ARE OUTRIGHT USES IN THE SERPENTINE ZONE.

Josephine County Planning
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526

Name: NORA SCHWARTZ Title: ASSOCIATE PLANNER
Signature: Nora Schwartz Phone: 541-474-5417 Date: 3-26-19
Government Entity: JOSEPHINE COUNTY COMMUNITY DEVEL.-PLANNING DIV.

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: _____



Water Availability Analysis

W FK ILLINOIS R > ILLINOIS R - AT MOUTH
ROGUE BASIN

Water Availability as of 3/21/2019

Watershed ID #: 70997 ([Map](#))

Date: 3/21/2019

Exceedance Level:

Time: 10:17 AM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

Nesting Watershed Order	Stream Name ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select 1	266 ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select 2	72845 ILLINOIS R> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select 3	72844 ILLINOIS R> ROGUE R- AB KLONDIKE CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes
Select 4	31531104 ILLINOIS R> ROGUE R- AB PANTHER CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes
Select 5	72843 ILLINOIS R> ROGUE R- AB JOSEPHINE CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes
Select 6	70997 W FK ILLINOIS R> ILLINOIS R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	Yes	No	No	No	No	Yes	Yes

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LOAN #: NTL1507295

Exhibit A

Real property in the County of Josephine, State of Oregon, described as follows:

PARCEL I:

LOT 1 OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY OREGON.

PARCEL II:

A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ROADWAY AND UTILITY PURPOSES, 50 FEET IN WIDTH OVER AN EXISTING ROADWAY EXTENDING FROM THE EAST SIDE OF LOT 1, SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, AND TRAVELLING EASTERLY TO THE WEST RIGHT OF WAY LINE OF WEST SIDE COUNTY ROAD.

NOTE: This Legal Description was created prior to January 01, 2008.

Ellie Mae, Inc.

GDEXA 0100
OREDEED
08/18/2015 10:03 AM PST

R-88772

of **Josephine**

[Name of Recording Jurisdiction]:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

APN #: R331739; 40-08-06-100

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which currently has the address of **6651 West Side Road, Cave Junction,**

[Street] [City]

Oregon **97523**

("Property Address"):

[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

OREGON--Single Family--Fannie Mae/Freddie Mac UNIFORM INSTRUMENT Form 3038 1/01
Ellie Mae, Inc.

Page 2 of 10

Initials: _____

OREDEED 0315

OREDEED

08/18/2015 10:03 AM PST



R-88772

CASE #: 48-48-6-0404842

DEED OF TRUST

MIN 1006551-0000025817-2

MERS PHONE #: 1-888-679-6377

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated **August 18, 2015**, together with all Riders to this document.

(B) "Borrower" is **MATTHEW ELIOTT HOWELL AND MALINDA S BARCLAY, HUSBAND AND WIFE.**

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Borrower is the trustor under this Security Instrument.

(C) "Lender" is **First Federal Bank, FSB.**

Lender is a **Federal Savings Bank, Missouri.**
Kansas City, MO 64120.

organized and existing under the laws of
Lender's address is **6900 North Executive Drive,**

(D) "Trustee" is **First American Title Company.**

(E) "MERS" is the Mortgage Electronic Registration Systems, Inc. Lender has appointed MERS as the nominee for Lender for this Loan, and attached a MERS Rider to this Security Instrument, to be executed by Borrower, which further describes the relationship between Lender and MERS, and which is incorporated into and amends and supplements this Security Instrument.

(F) "Note" means the promissory note signed by Borrower and dated **August 18, 2015.** The Note states that Borrower owes Lender **THREE HUNDRED ONE THOUSAND THREE HUNDRED FORTY TWO AND NO/100***** Dollars (U.S. **\$301,342.00**) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than **September 1, 2045.**

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

OREGON--Single Family--Fannie Mae/Freddie Mac UNIFORM INSTRUMENT Form 3038 1/01
Ellie Mae, Inc.

Page 1 of 10



Initials: _____
OREDEED 0315
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08/18/2015 10:03 AM PST

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LOAN #: NTL1507295

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | | |
|--|---|--|
| ☐ Adjustable Rate Rider | ☐ Condominium Rider | ☐ Second Home Rider |
| ☐ Balloon Rider | ☐ Planned Unit Development Rider | ☒ V.A. Rider |
| ☐ 1-4 Family Rider | ☐ Biweekly Payment Rider | |
| ☒ Mortgage Electronic Registration Systems, Inc. Rider | | |
| ☐ Other(s) [specify] | | |

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the **County**

of **Josephine**

[Type of Recording Jurisdiction]

[Name of Recording Jurisdiction]:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

APN #: R331739; 40-08-06-100

which currently has the address of **6651 West Side Road, Cave Junction,**

R-88772

[Street] [City]

*

- - Property Data Selection Menu - -

Owner: HOWELL, MATTHEW ELIOT &
 Prop ID : R331739 (Real Estate) (129665) BARCLAY, MALINDA S
 Map Tax Lot: 40-08-06-00-000100-00 6651 WEST SIDE RD
 Legal : ACRES 5.00, POTENTIAL ADD'L TAX CAVE JUNCTION, OR 97523
 LIAB

Situs : 6651 WEST SIDE RD	Year Built : 1983
CAVE JUNCTION, OR 97523	Living Area: 1984
Name(s) :	2018 Roll Values
Area : 04,05	RMV Land Non-LSU \$ 90,040 (+)
Sale Info : 08/20/15 \$295,000	RMV Land LSU \$ 13,030 (+)
Deed Type : WD	RMV Improvements \$ 254,900 (+)
Instrument: 15-011074	RMV Total \$ 357,970 (=)
2018 Tax Status * No Taxes Due *	Land LSU \$ 270
Current Levied Taxes : 2,241.14	Total Exemptions \$ 0
Special Assessments : 102.46	M5 Net Value \$ 345,360
	M50 Assd Value \$ 238,240

(AD) Alt Disp
(O)wnership

(Y) primarY
(H)istory

(L)and/Impr
(W) Spec Assmt

(G)en Appr
(.) More

Enter Option from Above or <RET> to Exit: __

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*

- - Property Data Selection Menu - -

Owner: HOWELL, MATTHEW ELIOT &
 Prop ID : R3317392 (Real Estate) (129665) BARCLAY, MALINDA S
 Map Tax Lot: 40-08-06-00-000100-00 6651 WEST SIDE RD
 Legal : ACRES 21.21, POTENTIAL ADD'L TAX CAVE JUNCTION, OR 97523
 LIAB

Situs : 6651 WEST SIDE RD	Year Built :
CAVE JUNCTION, OR 97523	Living Area:
Name(s) :	2018 Roll Values
Area : 05,04	RMV Land Non-LSU \$ 3,730 (+)
Sale Info : 08/20/15 \$295,000	RMV Land LSU \$ 75,240 (+)
Deed Type : WD	RMV Improvements \$ 0 (+)
Instrument: 15-011074	RMV Total \$ 78,970 (=)
2018 Tax Status * No Taxes Due *	Land LSU \$ 1,600
Current Levied Taxes : 36.00	Total Exemptions \$ 0
Special Assessments :	M5 Net Value \$ 6,190
	M50 Assd Value \$ 5,330

(AD) Alt Disp
(O)wnership

(Y) primarY
(H)istory

(L)and/Impr
(W) Spec Assmt

(G)en Appr
(.) More

Enter Option from Above or <RET> to Exit: _____

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After recording return to:
Matthew Elliott Howell and Malinda S.
Barclay
6651 West Side Road
Cave Junction, OR 97523

Until a change is requested all tax
statements shall be sent to the
following address:
Matthew Elliott Howell and Malinda S.
Barclay
6651 West Side Road
Cave Junction, OR 97523

File No.: 7151-2480373 (vb)
Date: August 13, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

JOSEPHINE COUNTY OFFICIAL RECORDS

ART HARVEY, COUNTY CLERK

2015-011074

DED-WRD

Cnt=1 Pgs=5 Stn=5 LBOSS

08/20/2015 01:37 PM

\$25.00 \$11.00 \$10.00 \$20.00 \$5.00

\$71.00

I, Art Harvey, County Clerk, certify that the within document
was received and duly recorded in the official records of
Josephine County.

STATUTORY WARRANTY DEED

Ernest R Sanchez and Frank R. Sanchez, Grantor, conveys and warrants to **Matthew Elliott Howell and Malinda S. Barclay, husband and wife as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2015-2016** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$295,000.00**. (Here comply with requirements of ORS 93.030)

Counterpart Signatures: This **Statutory Warranty Deed** is executed in duplicate, each of which is deemed to be an original, but both parts together constitute one and the same instrument.

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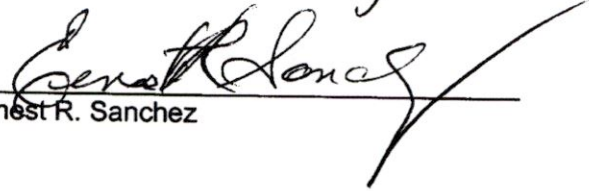
2

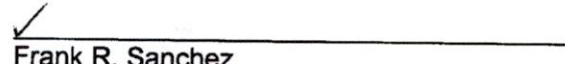
APN: R331739

Statutory Warranty Deed
- continued

File No.: 7151-2480373 (vb)

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.

Dated this 17 day of August, 2015.

 Ernest R. Sanchez


 Frank R. Sanchez

STATE OF Oregon)

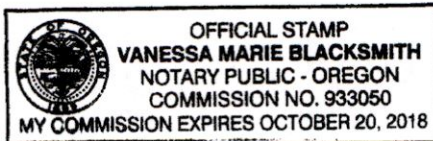
)ss.

County of Josephine)

This instrument was acknowledged before me on this 17 day of August, 2015
by **Ernest R. Sanchez**.

 Vanessa Blacksmith

Notary Public for Oregon

My commission expires: 10/20/2018

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APN: R331739

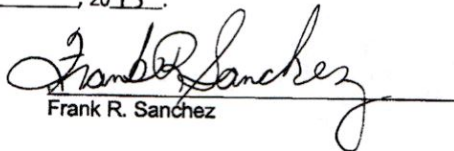
Statutory Warranty Deed
- continued

File No.: 7151-2480373 (vb)

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.

Dated this 17 day of August, 2015.

Ernest R. Sanchez


Frank R. Sanchez

STATE OF Oregon)
County of Josephine)ss.

This instrument was acknowledged before me on this _____ day of _____, 20____
by **Ernest R. Sanchez**.

Notary Public for Oregon
My commission expires:

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APN: R331739

Statutory Warranty Deed
- continued

File No.: 7151-2480373 (vb)

STATE OF New Mexico)
County of Santa Fe)ss.
)



This instrument was acknowledged before me on this 17 day of August, 2015
by **Frank R. Sanchez**.

Laura Gallegos

Notary Public for
My commission expires: 10-1-2016

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(5)

APN: R331739

Statutory Warranty Deed
- continued

File No.: 7151-2480373 (vb)

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Josephine, State of Oregon, described as follows:

PARCEL I:

LOT 1 OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY OREGON.

PARCEL II:

A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ROADWAY AND UTILITY PURPOSES, 50 FEET IN WIDTH OVER AN EXISTING ROADWAY EXTENDING FROM THE EAST SIDE OF LOT 1, SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, AND TRAVELLING EASTERLY TO THE WEST RIGHT OF WAY LINE OF WEST SIDE COUNTY ROAD.

NOTE: This Legal Description was created prior to January 01, 2008.

R-88772



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

May 10, 2019

Matthew Howell
6651 Westside Rd
Cave Junction OR 97523

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Dear Matthew:

The Water Resources Department has received your application for a permit to use surface or ground water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the enclosed checklist.

In order to process the application the department requires a legal description of all the property involved with this application. I have highlighted on the next page what we need in order to process the application. Also we need a date by your signature I have flagged that area on the application. Once you have those items please return the application and fees.

Should you have any questions, please contact Water Right Customer Service at 503-986-0810.

Sincerely,

Judy Ferrell
Water Rights Customer Service

Cc: OWRD Fiscal

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.

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Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

- ☐ A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

☐ **Fees:**

Base Fee	\$ _____	Permit Recording Fees	\$ _____
1 st CFS or AF	\$ _____		
Addtnl CFS/AF _____	= \$ _____	Mitigation Fee	\$ _____
Addtnl Use/POD/POA _____	= \$ _____		
Addtnl Reservoir _____	= \$ _____	Amount Paid	\$ _____
Other _____	= \$ _____	Total Due	\$ _____
Exam Fee Total	\$ _____	Amount Returned	\$ <u>725.00</u>

☐



Oregon Water Resources Department Alternate Reservoir Application

[Main](#)[Help](#)[Return](#)[Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Tuesday, May 28, 2019

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	10	
Proposed Reservoir volume in Acre Feet.	9	\$315.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,245.00

OWRD Fee Schedule

Fee Calculator Version: B20170117