



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

Dear Applicant:

The Oregon Water Resources Department received your application for a permit to use or store water. Your application has been assigned file number S-88700. Please refer to this number when contacting the Department. A description of the steps that must be followed when processing an application has been included on the reverse side of this letter.

The Department's goal is to process applications within statutory deadlines. As you can see, the first step in the process is for you to receive an Initial Review. Recently, surface water and reservoir applications have been receiving their Initial Reviews in approximately two to three months, whereas groundwater applications have been averaging approximately six to eight months.

Your application is subject to review and comment from other state agencies and interested parties.

**Please keep in mind that the filing of an application for a permit to use or store water does not allow you to use or store water. Water may be used or stored only after a permit is issued.**

I will be coordinating the processing of your application. If you have any questions, please contact me at [Barbara.J.Poage@oregon.gov](mailto:Barbara.J.Poage@oregon.gov) or 503-986-0859.

**NOTE: The Department of State Lands requests that all applicants requesting to store water complete the enclosed form and return it to the Department of State Lands at the address shown on the form. If you have any questions about the form or how your reservoir might affect wetlands, please contact the Department of State Lands.**

Sincerely,

Barbara Poage

Water Right Application Specialist

## Water-Use Permit Application Processing

### **1. Initial Review**

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An initial review containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$225. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### **2. Public Notice**

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.wrd.state.or.us](http://www.wrd.state.or.us). The public comment period is 30 days from publication in the weekly notice.

### **3. Proposed Final Order Issued**

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the initial review report, the Department issues a proposed final order explaining the proposed decision to deny or approve the application. A proposed final order proposing approval of an application will include a draft permit.

### **4. Public Notice**

Within 7 days of issuing the proposed final order, the Department gives public notice in the weekly notice. Notice includes information about the application and the proposed final order. Protest must be received by the Department within 45 days after publication of the proposed final order in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants.

### **5. Final Order Issued**

If no protests are filed, the Department can issue a final order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitation or conditions that the Department deems appropriate. Protests are filed on approximately 10% of the proposed final orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

If no protest is filed and if the applicant does not request any administrative holds, the approximate total processing time is nine months for surface water and reservoir applications and 14 months for ground water applications.

### Processing of Applications for Alternate Reservoirs and the Use of Stored Water Exclusively

After a completed application has been received by the Department, the Department must make public notice of the application within 60 days. The Department does not notify individual, neighboring landowners of an application, unless they are identified in the application as affected landowners. The public notice is to ensure that any person may submit detailed information requesting the Department deny an application based on injury to existing water rights or based on significant detrimental impact to an existing fishery resource. All comments must be submitted within 60 days of the public notice.

The Department issues a Final Order within 180 days of the priority date (i.e., date of submission of the application). The Department recommends applicants not schedule excavation work or otherwise expend financial resources until an ODFW fish passage plan and the alternate reservoir application have been approved.

# Application for a Permit to Use Surface Water

RECEIVED

JUN 06 2019

OWRD



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME ERLEEN AND/OR J SIMMS		PHONE (HM) (541)580-2348	
PHONE (WK)	CELL (541)530-7558		FAX
ADDRESS 301 LOWER GARDEN VALLEY RD.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL * JSIMMS605@MSN.COM

### Organization

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

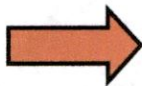
AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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 proposed and 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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.



**I (we) affirm that the information contained in this application is true and accurate**

<u>Erleen M. Simms</u> Applicant Signature	<u>ERLEEN M J SIMMS</u> Print Name and Title if applicable	<u>JUNE 4 2019</u> Date
<u>J Pike Simms</u> Applicant Signature	<u>J PIKE SIMMS</u> Print Name and Title if applicable	<u>JUNE 4, 2019</u> 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.

RECEIVED  
 JUN 06 2019  
 OWRD

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Leland D & Joanne Sand TRS  
 513 Lower Garden Valley Rd  
 Roseburg, OR 97471

T.26S R.6W. Sec.18 TL600

**Legal Description:** 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.

**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), and the locations of the point of diversion (POD):

Source 1: Galesville Reservoir	Tributary to: Cow Creek>South Umpqua River
TRSQQ of POD: T.26S. R.6W. Sec. 18 SWSE	
Source 2:	Tributary to:
TRSQQ of POD:	

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 Section 3A above?

For Department Use: App. Number: 5- 88700

Yes.  No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 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. R-9964

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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

#### Upper Columbia - OAR 690-033-0115 thru -0130

RECEIVED

Is the POD located in an area where the Upper Columbia Rules apply?

JUN 06 2019

Yes  No

OWRD

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by

Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes, provide a description of the measures to be taken to assure reasonably efficient water use:**

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

Yes  No

**If yes, the Water Resources Department will determine** whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

RECEIVED

JUN 06 2019

OWRD

**SECTION 5: 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
Galesville Reservoir	Irrigation of 8.5 acres	Mar. 1 - Oct. 31	18.96 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <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

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

Primary: 8.5 Acres                      Supplemental:        Acres

If supplemental acres are listed, provide 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: 18.96

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

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): 5 HP Bank Mounted
- 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 Umpqua River and piped to the irrigation area.

**B. Application Method**

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

Irrigation sprinklers and drip systems.

**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 irrigation of 8.5 acres on the property. A totalizing flow meter will be installed prior to diversion of water. Most efficient method of irrigation will be used as feasible to prevent waste, erosion and control run-off.

RECEIVED

JUN 06 2019

OWRD

**SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: ODFW approved fish screen will be installed prior to diversion of water.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: None planned.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: None planned.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Will use best irrigation management practices to prevent erosion and run-off.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
Contract with Douglas County to purchase 18.96 acre feet of stored water from Galesville Reservoir.

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: 10/1/2019
- b) Date construction will be completed: 10/1/2020
- c) Date beneficial water use will begin: 10/1/2021

RECEIVED  
JUN 06 2019  
OWRD

**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).





2001-24558

BOOK 1806 PAGE 985

RECEIVED  
JUN 06 2019  
OWRD

Escrow No. 00094219

---

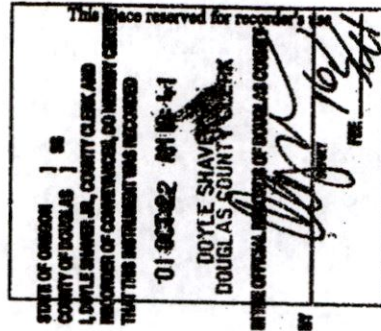
After Recording Return To:  
J. Pike Simms and Erleen M. Simms  
301 Lower Garden Valley Rd.  
Roseburg, OR 97470  
Name, Address, Zip

---

Until a change is requested all tax statements shall be sent to the following address  
**NO CHANGE IN TAX ADDRESS**

---

Name, Address, Zip



**BARGAIN AND SALE DEED**

Erleen M. Simms, also known as Erleen M. Jones, who acquired title as Erleen M. J. Burselson, Grantor, does hereby grant, bargain, sell, and convey to J. Pike Simms and Erleen M. Simms, husband and wife, Grantee, the following described real property situated in Douglas County, Oregon, to-wit:

**Lot five (5), Block two (2), Plat "A", ROSEBURG HOME ORCHARD TRACTS, Douglas County, Oregon, together with that portion of vacated County Road on the East boundary which inured to said premises upon vacation thereof.**

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$0.00. (Here comply with the requirements of ORS 93.030)

Dated this 16 day of October, 2001.

Erleen M. Simms  
 Erleen M. Simms

STATE OF OREGON } ss  
 County of Douglas

On this October 16, 2001, before me, the undersigned, personally appeared the within named Erleen M. Simms known to me to be the identical individual who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.



Shari Engels  
 Notary Public for the State of Oregon  
 My commission expires:

2001-24558

Commercial Title Co.  
 P.O. Box 1325  
 Roseburg, OR 97470  
 94219 JT

ORSTBSD



\$106.00

00488974201900085420050058

06/04/2019 10:44:48 AM

EASE-EASE Cnt=1 Stn=33 HAJOHNST  
\$25.00 \$11.00 \$60.00 \$10.00

RECEIVED

JUN 06 2019

OWRD

# DOUGLAS COUNTY CLERK



# CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM ORIGINAL  
DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

RECEIVED  
JUN 06 2019  
OWRD

## EASEMENT AGREEMENT

This Agreement entered into this 4<sup>th</sup> day of June, 2019, by and between Joanne Sand, Trustee under the Sand Family Trust dated December 16, 1992, hereinafter "Sand," and Erleen M. Simms and J. Pike Simms, hereinafter "Simms."

### RECITALS:

- A. Simms owns certain property more particularly described as Lot 5 (five), Block 2 (two), Plat "A" Roseburg Home Orchard Tracts, Douglas County, Oregon, together with that portion of vacated County road on the east boundary which inured to said property upon vacation thereof.
- B. Sand owns certain property more particularly described in the attached Exhibit A.
- C. There will be an irrigation line that runs generally north parallel to Simms' westerly boundary. This waterline is within 10 feet of the west boundary of Simms property
- D. Simms has applied for a water right and needs an easement over Sand's property to obtain final approval of their water right. The point of diversion for Sand's water right and the water right Simms seeks is generally due north of Simms' west property line.
- E. There is a currently existing electric pole at or near the point of diversion of Simms and Sand. This line will provide electricity to the irrigation system.
- F. The parties wish to share the use of the irrigation line.

NOW, THEREFORE, for the consideration of the sum of \$1,000.00 (ONE THOUSAND DOLLARS), Sand does hereby grant unto Simms, their heirs, successors, and assigns:

1. A non-exclusive easement 10 feet wide for installation, maintenance, and repair of an irrigation water line, utilities, and associated apparatus necessary for the operation of an irrigation system over the property described in the attached Exhibit A. The easterly line of such easement is the northerly extension of Simms' west property line. This easement terminates 75 feet south of Simms' North property line.
2. A non-exclusive easement for installation of electrical lines and poles as currently used by Sand to the northerly end of the easement set forth in paragraph 1 which is the point of diversion for water for Sand and Simms. All arrangements for electrical service must be made through the local utility (PP&L) by both parties.
3. Simms is responsible to install all irrigation apparatus to take water from the river and to connect to the irrigation line in the easement. This includes the installation of a separate electrical meter
4. It is the intent of the parties that there be only one irrigation line that is shared by the parties. Sands shall provide the irrigation line and Simms agrees to share in the cost of maintenance cost thereafter.
5. Simms will indemnify and hold Sand harmless from any and all claims, damages, losses, causes of actions, costs, and expenses (including, without limitation, attorney's fees) which may be asserted against or incurred by Sand as a result of any act or omission of Simms or their agents, contractors, employees, tenants, or invitees relating to the use of the easement by any user.
6. In the event either of the parties to this agreement is in default of a term of this agreement and the non-defaulting party retains an attorney to enforce this agreement, the defaulting party shall pay the non-defaulting party's reasonable attorney fees. In the event of litigation to enforce any of the rights or duties of this agreement, the prevailing party, at trial and upon appeal, if there is an appeal, in such litigation shall be entitled to recover from the other, in addition to the costs and disbursements therein incurred, such attorney's fees as the court may adjudge reasonable therein.

RECEIVED  
JUN 06 2019  
OWRD

7. This agreement is binding on the parties and thereafter it is binding on Sand's heirs, successors and assigns so long as the property described in the attached Exhibit A is owned by Simms. The rights of Simms shall not be transferred without the consent of Sand, however execution of a sale agreement and earnest money receipt by Simms shall not be considered a transfer. Sand agrees to negotiate in good faith with any potential buyer or immediate successor in interest of Simms regarding a transfer of this easement.

SAND FAMILY TRUST  
U/T/D December 16, 1992

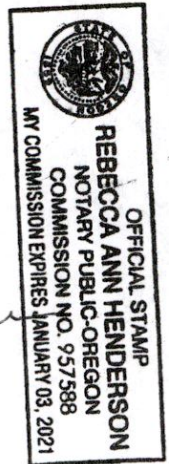
Joanne Sand  
Joanne Sand, Trustee

J. Pike Simms  
J. Pike Simms  
Erleen M. Simms  
Erleen Simms

STATE OF OREGON )  
 ) ss.  
County of Douglas )

This instrument was acknowledged before me on June 4, 2019, by Joanne Sand, as Trustee under the Sand Family Trust U/T/D December 16, 1992.

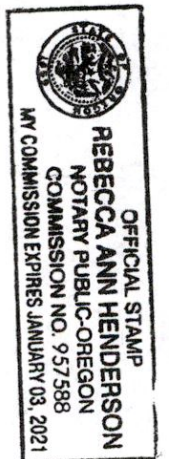
Rebecca Ann Henderson  
Notary Public of Oregon



STATE OF OREGON )  
 ) ss.  
County of Douglas )

This instrument was acknowledged before me on June 4, 2019, by Erleen Simms.

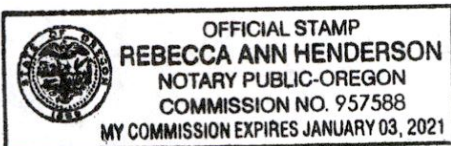
Rebecca Ann Henderson  
Notary Public of Oregon



STATE OF OREGON )  
 ) ss.  
County of Douglas )

This instrument was acknowledged before me on June 4, 2019, by J. Pike Simms.

Rebecca Ann Henderson  
Notary Public of Oregon



RECEIVED

JUN 06 2019

OWRD

EXHIBIT "A"

PARCEL 1:

The Westerly 66 feet of Lot Two (2) and all of Lot three (3), Block Six (6), ROSEBURG HOME ORCHARD TRACTS, Plat "A", Douglas County, Oregon.

PARCEL 2:

Lots 2, 3, and 4 of Block 2, Plat A, Roseburg Home Orchard Tracts, Douglas County, Oregon.

PARCEL 3:

Lot 6 of Block 2, Plat A, Roseburg Home Orchard Tracts, Douglas County, Oregon.

RECEIVED

JUN 06 2019

OWRD

# 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

**RECEIVED**  
**JUN 06 2019**  
**OWRD**

Applicant(s): Erleen and J Simms

Mailing Address: 301 Lower Garden Valley Rd.

City: Roseburg

State: OR

Zip Code: 97471

Daytime Phone: 541-580-2348

## 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>19</u>	<u>NWNE</u>	<u>500</u>	_____	<input 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:

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) Galesville Reservoir

Estimated quantity of water needed: \_\_\_\_\_  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:

Water is needed for irrigation of 8.5 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 Page 3. →

RECEIVED  
 JUN 06 2019  
 OWRD

## 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): 3.4.075 + 16
- 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.

<u>R13308 Zoned FC1 - Farm Crop</u> <u>WS19-0433</u>	<b>DOUGLAS COUNTY PLANNING DEPARTMENT</b> ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470
---	--

Name: Robin Lambert Title: Duty planner  
 Signature: [Signature] Phone: 541-440-4289 Date: 6/4/19  
 Government Entity: Douglas County Planning Department

**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: \_\_\_\_\_



I-2019-6

**CONTRACT FOR PURCHASE OF AGRICULTURAL WATER  
FROM GALESVILLE PROJECT**

This contract is made on \_\_\_\_\_, 20\_\_ between Douglas County, a political subdivision of the State of Oregon, ("County"), and \_\_\_\_\_  
Erleen and J. Simms \_\_\_\_\_, ("Customer").

**COUNTY AND CUSTOMER AGREE:****1. TERM AND RENEWAL:**

1.1. The initial term of this contract shall begin on March 1, 2019 and end on December 31, 2028, unless it is sooner terminated as provided herein.

1.2. As used in this contract, unless the context clearly indicates otherwise, "term" or "term of this contract" shall mean both the initial term and any extension.

1.3. Customer shall have the right to extend the term of this contract for two successive periods of ten years each upon the following conditions:

1.3.1. Approximately ninety days prior to expiration of the contract term, County shall notify Customer in writing that Customer has the right to extend the term at the price set pursuant to section 11.

1.3.2. Customer may elect to extend the contract term by written notice to County within thirty days after County gives notice of the right to extend. Concurrently with written notice of extension Customer may request the Board of Commissioners to review and reduce the price of water in accordance with subsection 11.5.

1.3.3. No other act or agreement shall be required of the parties to effect the extension after Customer gives proper notice of election to extend the contract term.

1.3.4. Each extension shall commence on the day following the termination date of the initial term or the preceding extension.

1.4. The provisions of this contract shall apply to any extension except for changes in the purchase price pursuant to section 11; modifications required to comply with federal or state statutes, regulations, or administrative rules; or modifications required to comply with any contract between County and the United States concerning the Galesville Project.

1.5. Customer shall not be entitled to extend the term of this contract if Customer is in default under this contract at the time extension is requested by Customer.

**2. AUTHORITY OF PUBLIC WORKS DIRECTOR:**

2.1. The Director of the Douglas County Public Works Department (the Director) has authority to administer this contract on behalf of County.

2.2. The Director may delegate authority to administer this contract to the Manager of the County Public Works Department, Natural Resources Division (the Division Manager), except for authority to establish the price of water under section 11 of this

contract. The Director shall retain the right to supersede any decision of the Division Manager in the administration and interpretation of this contract.

2.3. References to the Director in this contract shall be deemed to include the Division Manager, to the extent the Director has delegated authority to the Division Manager.

**3. WATER ALLOCATION:** Each year during the term of this contract, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 8.50 acres. This allocation shall not exceed 18.96 acre feet per irrigation season as specified on the attached Exhibit A.

**4. PERMITS AND CERTIFICATES OF WATER RIGHTS:**

4.1. County shall file and maintain any reservoir water right permit and/or certificate to store water in the Galesville reservoir allocated for the Customer's use, as required by the State of Oregon Water Resources Department or its successor ("OWRD").

4.2. Customer, at Customer's expense, shall be responsible for obtaining any permit and/or certificate of water rights for use of the stored water allocated under this contract as required by the OWRD.

4.3. Within 6 months after the effective date of this contract, Customer shall provide County with a copy of the application map provided to the State.

**5. RELEASE OF WATER:**

5.1. Subject to the provisions of this contract, County will release into the natural channel of Cow Creek water comprising the allocation described in section 3. Water released for Customer's allocation shall be measured and delivered to Customer's point of diversion of record by County with equipment installed and maintained by County.

5.2. County shall report to the OWRD all allocated water stored and distributed to Customer's point of diversion of record, including reasonable losses. Customer shall report all water use as described on Customer's water right of record, or as otherwise may be required by the OWRD.

5.3. The obligations of County to allocate capacity may be restricted by any lawful order, regulation, or ruling of any governmental agency or provisions of a contract between County and the United States. Such legal restrictions may impair the County's ability to perform its obligations under this contract. In that event, County shall be relieved of its obligations to the extent necessary to comply with the legal restrictions. Customer's payments under this contract shall be reduced proportionally to any reduction in Customer's allocation resulting from such legal restrictions.

5.4. Notwithstanding any other provision of this contract, County may suspend release and delivery of water to Customer upon written notice to Customer if Customer fails to make any payment for such water when due.

**6. DIVERSION AND USE OF WATER:**

6.1. Customer shall be wholly responsible for taking, diverting, conveying, and utilizing its water and shall bear all losses from Customer's point of diversion.

6.2. Customer shall divert the water it is entitled to receive under this contract in accordance with schedules developed by the Customer and County.

6.3. The water diverted by Customer may be measured by County at the point of diversion. The point of diversion shall be accessible for inspection and measurement of water at all reasonable times by County. Any easement necessary for County to gain access to the point of diversion shall be provided by Customer when requested by County.

6.4. The water shall be utilized for agricultural use. Customer shall utilize the water only for the uses and only on the real property described in Customer's permit and certificate.

6.5. Customer shall be responsible for purchase and installation of a meter or other suitable measuring device if required by the OWRD. Once installed, it shall be the Customer's responsibility to maintain such device in good working order. If requested by the OWRD, Customer shall maintain a record of the amount of water used and report water use on such periodic schedule as may be established by the OWRD.

6.6. If required, Customer shall purchase, install, maintain, and operate fish screening equipment and by-pass devices to prevent fish from entering the diversion. Any required screens and/or by-pass devices shall be in place, functional, and approved prior to diversion of any water under this contract.

#### **7. QUALITY OF WATER:**

7.1. County shall operate and maintain the Galesville dam, reservoir, and related facilities in a reasonable and prudent manner, and shall endeavor in good faith to take adequate measures to maintain the quality of raw stored water at the facilities. County is under no obligation to construct or furnish water treatment facilities to maintain or improve the quality of water. **COUNTY MAKES NO WARRANTIES, EXPRESS OR IMPLIED, REGARDING THE QUALITY OF WATER RELEASED AND DELIVERED FROM GALESVILLE DAM, RESERVOIR, AND RELATED FACILITIES.**

**8. WATER SHORTAGES:** In any year in which a water shortage in the Galesville reservoir occurs, County shall apportion the available water supply among Customer and other users who are entitled to receive water from the reservoir. The quantity of water to be furnished for irrigation shall first be reduced as necessary, but not greater than 15%. Any further reduction in the reservoir water supply shall be shared by Customer and all other users entitled to water from the reservoir in the same proportion that the entitlement of each user, including Customer's entitlement under this contract, bears to the total entitlements of all users.

**9. WATER CONSERVATION:** Customer acknowledges the critical need for water conservation in the Umpqua River basin. Customer shall implement reasonable and prudent water conservation measures for agricultural activities.

**10. COMPLIANCE WITH LAW:** This contract shall be governed by and construed in accordance with the laws of the State of Oregon. Each party shall perform its obligations in accordance with all applicable state, federal, and local laws, rules and regulations now or hereafter in effect.

**11. PRICE OF WATER:**

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$ 388.25 per year.

11.2. For each discrete ten year extension of the contract term, Customer shall pay the then current rate as established by County in accordance with this section. Notice of the right to extend under subsection 1.3.1 shall state the price of water during the extension.

11.3. The Director shall periodically review and adjust the price for water taking into account the following factors:

11.3.1. The current cost of operating and maintaining the Galesville dam, reservoir, and related facilities;

11.3.2. The projected costs for operating, maintaining, and replacing Galesville water storage and delivery facilities; and

11.3.3. The price of water sold by similar facilities for similar uses.

11.4. The allocation price for each renewal term shall not be increased by more than 10% over the previous term.

11.5. Customer may request the Board of Commissioners to review and reduce the price of water established by the Director. Such request shall be in writing and shall be given with the notice of Customer's election to extend the contract term. After considering the factors listed in subsection 11.3, the Board of Commissioners may reduce or affirm the price established by the Director. If the Board of Commissioners fails to take any action on Customer's request to review and reduce the price of water within 30 days after Customer makes the request, the request shall be deemed denied. If Customer is not satisfied with the action of the Board of Commissioners, Customer may rescind their election to extend the contract term and cancel the contract by written notice to County within sixty days after Customer requests the Board of Commissioners to review and reduce the price.

**12. PAYMENT:**

12.1. Customer shall pay County the annual price established by section 11 for the allocation stated in section 3 regardless of whether Customer uses any or all of the water allocated. Except as provided in subsection 12.2, payment shall be made no later than March 31 of each year.

12.2. If this contract is dated after March 2 in the year for which water is first to be released, then the amount due for the first year only shall be payable within 30 days after the date the contract is signed by County.

12.3. Interest shall accrue on late payments at the rate of eighteen percent per annum commencing the day after the date payment is due. Customer shall pay all interest upon the request of County.

**13. LIMITATIONS ON LIABILITY:**

13.1. County shall not be liable for damages or other expenses sustained by Customer resulting from shortages in the quantity of water available for release, or interruptions in water deliveries to Customer, if such shortages or interruptions in

deliveries are caused partially or entirely by hostile diversion, accidental damage to County facilities, operational failure of County facilities, or any cause beyond County's control.

13.2. Notwithstanding any other provision of this contract, County shall not be liable to Customer for damages caused by failure to comply with any obligation of County under this contract, if such failure results from lack of appropriation of funds necessary to perform such obligation pursuant to ORS 294.305 et seq. (Local Budget Law).

13.3. In no event shall County be liable to Customer for any indirect, special, or consequential damages even if Customer previously advised County of the possibility of such damages.

**14. DEFAULT:**

14.1. There shall be a default under this contract if either party materially fails to comply with any provision of this contract within thirty days after the other party gives written notice specifying the breach. If the breach specified in the notice cannot be completely cured within the thirty day period, no default shall occur if the party receiving the notice begins curative action within the thirty day period and thereafter proceeds with reasonable diligence and in good faith to cure the breach as soon as practicable.

14.2. If a default occurs, the party injured by the default may elect to terminate this contract and pursue any equitable or legal rights and remedies available under Oregon law, except that Customer's remedies shall be subject to the limitations on damages stated in section 13.

14.3. Any litigation arising out of this contract shall be conducted in the Circuit Court of the State of Oregon for Douglas County.

**15. SEVERABILITY:** If any provision of this contract is held to be invalid, that provision shall not affect the validity of any other provision of this contract. This contract shall be construed as if such invalid provision had never been included.

**16. WAIVER:** No provision of this contract shall be waived unless the waiver is written and signed by the party waiving its rights. Any waiver of a breach, whether express or implied, shall not constitute waiver of any other breach.

**17. SUCCESSORS:** The successors, assigns, and legal representatives of Customer and County shall be subject to all provisions of this contract. Customer shall not assign Customer's rights or obligations under this contract without prior written consent of County.

**18. NOTICES:**

18.1. Notices required by this Contract must be given in writing by personal delivery or mail, unless some other means or method of notice is required by law.

18.2. Notices to County shall be directed to Thomas R. Manton, Division Manager, Douglas County Public Works Department, Natural Resources Division, Room 306, Douglas County Courthouse, 1036 SE Douglas Street, Roseburg, OR 97470.

RECEIVED

JUN 06 2019

OWRD

18.3. Notices to Customer shall be directed to: \_\_\_\_\_

Erleen and J. Simms

301 Lower Garden Valley Rd Roseburg, OR 97471 541-530-7558

**19. ENTIRE AGREEMENT:** This contract is in the final and complete agreement of the parties and supersedes all prior and existing written or oral understandings. No modification of this contract shall be valid unless it is in writing and signed by the parties.

**20. TERMINATION FOR CONVENIENCE:** County may terminate this Contract if the Director determines in good faith that termination is in the best interest of the public. The Director will endeavor to give Customer notice thirty days prior to the date of termination under this section, but failure to give notice will not invalidate the decision to terminate. Termination under this section will not affect the rights of County and/or Customer existing at the time of termination

**CUSTOMER**

By Erleen M J Simms  
Title \_\_\_\_\_  
Print Name ERLEEN M J SIMMS  
Date JUNE 4 2019  
Phone 541-530-7558

**DOUGLAS COUNTY**

By \_\_\_\_\_  
Scott Adams, Director of Public Works Department. Authority to sign contract granted by order of Board of Commissioners dated February 21, 2018.  
Date \_\_\_\_\_

**REVIEWED AS TO CONTENT**

By \_\_\_\_\_  
Division Manager  
Date \_\_\_\_\_  
Coding 215-0000-2810-00-012010

**REVIEWED AS TO FORM**

By \_\_\_\_\_  
County Legal Counsel  
Date \_\_\_\_\_

EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

- 1. 8.50 acres of **primary irrigation**. This allocation shall not exceed **2.23** acre feet per acre each irrigation season.

Acre Feet: 18.96 Annual Cost: \$ 388.25

SUPPLEMENTAL IRRIGATION

- 2. Rights whose priority is between March 26, 1974, and November 3, 1983:

                     acres of **supplemental irrigation**. This allocation shall not exceed **1.5** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **1.0** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet:                      Annual Cost: \$                     

- 3. Rights whose priority is between October 24, 1958, and March 26, 1974:

                     acres of **supplemental irrigation**. This allocation shall not exceed **1.0** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **0.6** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet:                      Annual Cost: \$                     

- 4. Rights whose priority is prior to October 24, 1958:

                     acres of **supplemental irrigation**. This allocation shall not exceed **0.5** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **0.3** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet:                      Annual Cost: \$                     

Note: Instream delivery losses are not included in the above allocations.

Summary:

Total Acres:	<u>8.50</u>	acres
Total Allocation:	<u>18.96</u>	acre feet
Total Cost:	<u>\$ 388.25</u>	



# Douglas County

## Planning and Sanitation Pre-Application Worksheet

RECEIVED  
JUN 06 2019  
OWRD

### OTHER ACTION

Worksheet Number  <h2 style="margin: 0;">WS19-0433</h2>	Applicant <b>SIMMS, J PIKE &amp; ERLEEN M</b> 301 LOWER GARDEN VALLEY RD ROSEBURG, OR 97471 (541) 530-7558	Owner <b>SIMMS, J PIKE &amp; ERLEEN M</b> 301 LOWER GARDEN VALLEY RD ROSEBURG, OR 97471
---	--	--

### SITE INFORMATION

Site Address <b>301 LOWER GARDEN VALLEY RD ROSEBURG</b>	MTL <b>26-06W-19-00500</b>	Property ID Number (Primary) <b>R13308</b>	Size (Acres) <b>9.70</b>
Improvement <b>LUCS FOR OWRD (IRRIGATION)</b>		Proposed Use <b>Land Use Compatibility Statement</b>	
Existing Structures (Number and Type) <b>N/A</b>		Distance of Building Site from River, Creek, or Stream Bank <b>N/A</b>	
Directions <b>WEST GARDEN VALLEY, APPROX 9 MILES TO LOWER GARDEN VALLEY RD, 3RD HOUSE ON THE RIGHT. (HOUSE HAS BLUE METAL ROOF)</b>			

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

APPLICANT SIGNATURE: *Erleen M. Simms*      DATE: June 4 2019

### PLANNING DEPARTMENT INFORMATION

Zoning <b>F1</b>	Overlays <b>FP</b>
---------------------	-----------------------

### SETBACKS (EFU (Cropland) 20A)

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>N/A</b>
Sign Code <b>NO SIGN PROPOSED - N/A</b>	Special Setback <b>N/A</b>	Riparian Setback <b>50 FEET</b>	
Parking Spaces Required <b>N/A</b>	Building Height <b>None</b>	Flood Plain <b>No</b>	Floor Height Above Ground <b>N/A</b>

Conditions of Approval

**WATER RESOURCES LUCS PERMIT TO USE/STORE WATER FROM RESERVOIRE/POND FOR IRRIGATION OF 8.5 ACRES OF PROPERTY; NO STRUCTURAL DEVELOPMENT AUTHORIZED.**

Sanitation <b>N/A</b>	Sanitary District	Water <b>N/A</b>	Access Permit Required? <b>NOT REQ'D</b>
--------------------------	-------------------	---------------------	---

Report Codes

**NONSTRUCTURAL N/A N/A COUNTY ACCESS**

Refer To

**ASSESSOR**

Approved By: <b>RAL</b>	Date: <b>6/4/2019</b>	Receipt #: <b>P33484</b>	Amount: <b>\$ 165.00</b>	Expiration Date: <b>6/2/2020</b>
----------------------------	--------------------------	-----------------------------	-----------------------------	-------------------------------------

### SANITATION INFORMATION

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

5-88700



2000-10893

BOOK 1689 PAGE 769

RECEIVED JUN 06 2019 OWRD

LELAND D. & JOANNE SAND
513 LOWER GARDEN VALLEY ROAD
ROSEBURG, OR 97470
LELAND D. SAND & JOANNE SAND, TRUSTEES
SAND FAMILY TRUST 12/16/92
513 LOWER GARDEN VALLEY ROAD
ROSEBURG, OR 97470

STATE OF OREGON,
County of \_\_\_\_\_ ) ss.

I certify that the within instrument
was received for record on the \_\_\_\_\_ day
of \_\_\_\_\_, 19\_\_\_\_, at
\_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in
book/reel/volume No. \_\_\_\_\_ on page
\_\_\_\_\_ and/or as fee/file/instru-
ment/microfilm/reception No. \_\_\_\_\_,
Record of Deeds of said County.
Witness my hand and seal of County
affixed.

SPACE RESERVED
FOR
RECORDERS USE

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

JAMES H. SMITH, ATTORNEY
711 BENNETT AVE.
MEDFORD, OR 97504

Until requested otherwise, send all tax statements to (Name, Address, Zip):

LELAND D. SAND
JOANNE SAND
513 LOWER GARDEN VALLEY ROAD
ROSEBURG, OR 97470

By \_\_\_\_\_, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that LELAND D. SAND AND JOANNE SAND

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by
hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns,
that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining,
situated in DOUGLAS County, State of Oregon, described as follows, to-wit:

\*\*\*\* LELAND D. SAND AND JOANNE SAND, TRUSTEES, OR THEIR SUCCESSORS IN
TRUST, UNDER THE SAND FAMILY TRUST DATED DECEMBER 16, 1992, AND ANY
AMENDMENTS THERETO.

SEE ATTACHED EXHIBIT "A"

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained
herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title
insurance issued to the Grantor at the time Grantor acquired the property. The limitations contained herein expressly do not relieve
Grantor of any liability or obligation under this instrument, but merely define the scope, nature and amount of such liability or
obligations.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized
in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state):

and that
grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all
persons whomsoever, except those claiming under the above described encumbrances.

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

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be
made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument this 15TH day of MAY, 2000, 19\_\_\_\_; if grantor
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 order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGU-
LATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROP-
RIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES
AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 90.930.

LELAND D. SAND

JOANNE SAND

STATE OF OREGON, County of DOUGLAS ) ss.
This instrument was acknowledged before me on MAY 15, 2000
by LELAND D. SAND AND JOANNE SAND
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_
by \_\_\_\_\_
as \_\_\_\_\_
of \_\_\_\_\_

OFFICIAL SEAL
JAMES H. SMITH
NOTARY PUBLIC-OREGON
MY COMMISSION EXPIRES OCT. 31, 2003

Notary Public for Oregon JAMES H. SMITH
My commission expires 10/31/2003

5-88700

BOOK 1689 PAGE 770

EXHIBIT "A"

RECEIVED

JUN 06 2019

OWRD

PARCEL 1:

The Westerly 66 feet of Lot Two (2) and all of Lot three (3), Block Six (6), ROSEBURG HOME ORCHARD TRACTS, Plat "A", Douglas County, Oregon.

PARCEL 2:

Lots 2, 3, and 4 of Block 2, Plat A, Roseburg Home Orchard Tracts, Douglas County, Oregon.

PARCEL 3:

Lot 6 of Block 2, Plat A, Roseburg Home Orchard Tracts, Douglas County, Oregon.

STATE OF OREGON }  
COUNTY OF DOUGLAS } SS  
I, DOYLE SHAVER JR., COUNTY CLERK AND  
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY  
THAT THIS INSTRUMENT WAS RECORDED

00 MAY 22 AM 9:13

DOYLE SHAVER JR.  
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *[Signature]*

DATE 2/2/20

FEE 100

2000-10893

Erleen and J Simms  
301 Lower Garden Valley Rd.  
Roseburg, OR 97471

**CPU**



U.S. POSTAGE  
\$1.60  
FCMF 00  
Orig: 97471  
06/04/19  
11081969

R2306P150289

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266