

# Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer:
Transfer #:	
Date Received:	
CWRE Name:	
Priority Date (s):	

## Fees Required:

- YES  NO  A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- YES  NO  A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.  
 Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

## Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4) )

## Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

**MONEY SLIP**

DATE: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_ APPLICATION PERMIT TRANSFER

CASH  CHECK # \_\_\_\_\_ OTHER (IDENTIFY) \_\_\_\_\_ TOTAL RECD \$ \_\_\_\_\_

1083 TREASURY 4178 MISC CASH ACCT. \_\_\_\_\_ \$ \_\_\_\_\_

0407 COPIES \_\_\_\_\_ \$ \_\_\_\_\_

OTHER: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0243 Instream Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

1083 TREASURY 4270 WRD OPERATING ACCT. \_\_\_\_\_ \$ \_\_\_\_\_

MISCELLANEOUS

0407 COPY & TAPE FEES 4611 \$ \_\_\_\_\_

0410 RESEARCH FEES \_\_\_\_\_ \$ \_\_\_\_\_

0409 MISC REVENUE (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0240 EXTENSION OF TIME \_\_\_\_\_ \$ \_\_\_\_\_

WATER RIGHTS

0201 SURFACE WATER EXAM FEE \_\_\_\_\_ RECORD FEE \_\_\_\_\_

0203 GROUND WATER \_\_\_\_\_ 0202 \_\_\_\_\_ \$ \_\_\_\_\_

0205 TRANSFER \_\_\_\_\_ 0204 \_\_\_\_\_ \$ \_\_\_\_\_

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \_\_\_\_\_ RECORD FEE \_\_\_\_\_

LANDOWNER'S PERMIT \_\_\_\_\_ 0219 \_\_\_\_\_ \$ \_\_\_\_\_

OTHER (IDENTIFY) COBU \_\_\_\_\_ 0220 \_\_\_\_\_ \$ 230.00

0607 TREASURY 0487 HYDROELECTRIC \_\_\_\_\_ \$ \_\_\_\_\_

0233 POWER LICENSE FEE (FWWRD) \_\_\_\_\_ LIC NUMBER \_\_\_\_\_ \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FWWRD) \_\_\_\_\_ \$ \_\_\_\_\_

HYDRO APPLICATION \_\_\_\_\_ \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED

## Groundwater File Review:

- Pump Test not required (Priority Date prior to December 20, 1988) \*If no, include pump test flyer w/acknowledgment letter
- Pump Test required (Priority Date on or after December 20, 1988)
- Pump Test submitted
- Pump Test not submitted

# MONEY SLIP

DATE: 9-13-2021 RECEIPT #: 136396

RECEIVED FROM: Erleen Simms  
J Simms

APPLICATION S-88700  
PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH  CHECK # 8525 OTHER (IDENTIFY)

TOTAL REC'D \$ 230.00

1083 TREASURY 4170 MISC CASH ACCT.

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0243 Instream Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

1083 TREASURY 4270 WRD OPERATING ACCT.

MISCELLANEOUS 46111  
0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \_\_\_\_\_ \$ \_\_\_\_\_

WATER RIGHTS  
0201 SURFACE WATER EXAM FEE \$ \_\_\_\_\_ RECORD FEE \$ \_\_\_\_\_  
0203 GROUND WATER EXAM FEE \$ \_\_\_\_\_ RECORD FEE \$ \_\_\_\_\_  
0205 TRANSFER EXAM FEE \$ \_\_\_\_\_ RECORD FEE \$ \_\_\_\_\_

WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ RECORD FEE \$ \_\_\_\_\_  
LANDOWNER'S PERMIT EXAM FEE \$ \_\_\_\_\_ RECORD FEE \$ \_\_\_\_\_  
0200 OTHER (IDENTIFY) COBU \$ 230-

0607 TREASURY 0467 HYDROELECTRIC

0233 POWER LICENSE FEE (FW/WRD) LIC NUMBER \_\_\_\_\_ \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \_\_\_\_\_ \$ \_\_\_\_\_  
HYDRO APPLICATION \_\_\_\_\_ \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT -- LETTER ATTACHED

**CLAIM OF  
BENEFICIAL USE  
for Surface Water Permits  
claiming more than 0.1 cfs**



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

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**A fee of \$230 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

**A separate form shall be completed for each permit.**

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page  
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see  
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1**

**GENERAL INFORMATION**

**1. File Information:**

APPLICATION # <b>S-88700</b>	PERMIT # <b>S-55227</b>	PERMIT AMENDMENT # <b>T-</b>
---------------------------------	----------------------------	---------------------------------

**2. Property Owner (current owner information):**

APPLICANT/BUSINESS NAME <b>J &amp; Erleen Simms</b>		PHONE NO. <b>541-530-7558</b>	ADDITIONAL CONTACT NO. <b>NA</b>
ADDRESS <b>301 Lower Garden Valley Road</b>			
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97471</b>	E-MAIL <b>jsimms605@msn.com</b>

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

**3. Permit or holder of record (this may, or may not, be the current property owner):**

PERMIT HOLDER OF RECORD <b>J &amp; Erleen Simms</b>		
ADDRESS <b>301 Lower Garden Valley Road</b>		
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97471</b>

ADDITIONAL PERMIT HOLDER OF RECORD <b>NA</b>			<b>RECEIVED</b>
ADDRESS			<b>SEP 13 2021</b>
CITY	STATE	ZIP	<b>OWRD</b>

**4. Date of Site Inspection:**

**5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>J &amp; Erleen Simms</b>	<b>7-26-2021</b>	<b>Landowners</b>

**6. County:**

**7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

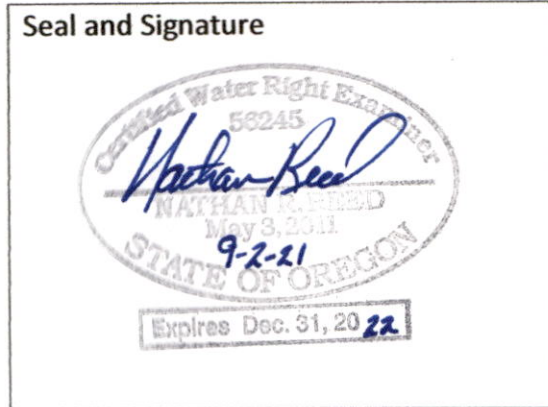
OWNER OF RECORD <b>NA</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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CWRE NAME <b>Nathan Reed</b>		PHONE NO. <b>541-784-7191</b>	ADDITIONAL CONTACT NO. <b>NA</b>
ADDRESS <b>157 West Bodie Street</b>			
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97471</b>	E-MAIL <b>nreed68@hotmail.com</b>

Permit Holder of Record Signature or Acknowledgement

***Each*** permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	ERLEEN M J SIMMS	LANDOWNER	9-3-2021
	J PIKE SIMMS	LANDOWNER	9-3-2021

**SECTION 3  
CLAIM DESCRIPTION**

**1. Point of diversion name or number:**

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POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
<b>POD</b>

**2. Point of diversion source and tributary:**

POD NAME OR NUMBER	SOURCE	TRIBUTARY
<b>POD</b>	<b>Galesville Reservoir (R-9964)</b>	<b>Umpqua River</b>

**3. Developed use(s), period of use, and rate for each use:**

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
<b>POD</b>	<b>Irrigation</b>	<b>Pasture</b>	<b>Mar. 1 – Oct. 31</b>	<b>0.11 cfs</b>
<b>Total Quantity of Water Used</b>				<b>0.11 cfs</b>

**4. Provide a general narrative description of the distribution works.** This description must trace the water system from each point of diversion to the place of use:

**A 3 Hp, fish screened, submersible pump rediverts water from Umpqua River out a 4-inch ABS line to a totalizing flow meter, then to an isolation valve and out to buried 4-inch PVC mainline within an access easement to the permittees property. The 4-inch mainline turns across back of the property bifurcating to (3) 2-inch buried PVC laterals with five riser boxes where three big guns are used to irrigate 8.5 acres.**

**Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).**

**5. Variations:**

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

**NO**

*(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")*

--

**6. Claim Summary:**

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>POD</b>	<b>0.11 cfs</b>	<b>0.11 cfs</b>	<b>0.11 cfs</b>	<b>Irrigation</b>	<b>8.5</b>	<b>8.5</b>

**SECTION 4  
SYSTEM DESCRIPTION**

Are there multiple PODs?

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

NO  
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**A. Place of Use**

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
26S	6W	WM	19	NWNE	--	58	Irrigation	8.50	
<b>Total Acres Irrigated</b>								8.50	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Glot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Glot, and QQ.

**B. Diversion and Delivery System Information**

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Grundfos	60S30-7	unavailable	Submersible	NA	4

3. Motor Information:

MANUFACTURER	HORSEPOWER
Grundfos	3

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
3	60	-3 ft	20 ft	0.12

**5. Provide pump calculations:**

60 psi = 152.4 feet;  $Q = (Hp \times eff.) / (\text{Sum Total Head}) = (3 \times 7.04) / (152.4 - 3 + 20) = 0.12 \text{ cfs}$

**6. Measured Pump Capacity (using meter if meter was present and system was operating):**

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
2341750	2341847	2.0 min	0.11

Reminder: For pump calculations use the reference information at the end of this document.

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**7. Is the distribution system piped?**

YES

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If "NO" items 8 through item 13 may be deleted.

**8. Mainline Information:**

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MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	1490 ft	PVC	Buried

**9. Lateral or Handline Information:**

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2"	1260 ft	PVC	Buried

**10. Sprinkler Information:**

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
19/64	45	16.6	3	3	0.11

Reminder: For sprinkler output determination use the reference information at the end of this document.

**11. Drip Emitter Information:**

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					



**12. Drip Tape Information:**

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
NA					

**13. Pivot Information:**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

**C. Storage**

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)? NO

**D. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? NO

**E. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? NO

Attach measurement notes.

**F. Additional notes or comments related to the system:**

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**SECTION 5  
CONDITIONS**

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All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	8-14-2019		
BEGIN CONSTRUCTION (A)		6-2019	Survey Easement, buried piping
COMPLETE CONSTRUCTION (B)		4-2021	pump and meter installed
COMPLETE APPLICATION OF WATER (C)	8-14-2024	5-2021	beneficially applying water to pasture

\* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

**2. Is there an extension final order(s)?**

NO

**3. Measurement Conditions:**

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES

*If "NO", items b through f relating to this section may be deleted.*

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.**

b. Has a meter been installed?

YES

**c. Meter Information**

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	D L J	18 048065	Working	2341847 gal	4-2021

*If a meter has been installed, items d through f relating to this section may be deleted.*

**4. Recording and reporting conditions:**

a. Is the water user required to report the water use to the Department?

NO

**5. Fish Screening:**

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES

If "NO", items b through e relating to this section may be deleted.

**Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.**

b. Has the fish screening been installed? **YES**

c. When was the fish screening installed?

DATE	BY WHOM
April 2021	Gilbert Pump Service

**Reminder: If the permit was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.**

d. If the diversion **involves a pump and** the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NA**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.**

e. If the diversion does **not involve a pump or** the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **NA**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

**Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.**

#### 6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

**NO**

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**7. Other conditions required by permit, permit amendment final order, or extension final order:**

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
- b. Was a fishway required? **NO**
- c. Was submittal of a water management and conservation plan required? **NO**
- d. Other conditions? **YES**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**7.d. Use of this water right is subject to the terms and conditions of contract No. I-2019-6, or a satisfactory replacement, between Douglas County and the permittee.**

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**SECTION 6  
ATTACHMENTS**

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Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
<b>ODFW Letter</b>	<b>Fish Screen Sign Off</b>
<b>CBU Map</b>	<b>Final Proof Survey</b>
<b>Easement Agreement</b>	<b>Recorded Document</b>

## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

A Garmin Rino 650, handheld gps was used to locate coordinates of pertinent features. Along with Douglas County GIS w/ ultra-resolution aeriels.

#### Map Checklist

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Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature



# Oregon

Kate Brown, Governor

## Department of Fish and Wildlife

Rogue Watershed District Office

1495 E Gregory Rd

Central Point, OR 97502-9430

(541) 826-8774

Fax: (541) 826-8776

www.myodfw.com

September 2, 2021



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

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Dear J and Erleen,

Regarding Oregon Water Resources Department (OWRD) water right permit # S-55227 (application file number S-88700), Oregon Department of Fish and Wildlife (ODFW) has determined the fish screen at Point-Of-Diversion (POD) #1 meets current fish protection criteria. ODFW has deemed fish bypass devices unnecessary at POD #1. Thank you.

Sincerely,

Josh Kelsey  
Senior Fish Screen Technician  
Fish Screening and Passage Program  
Office (541) 857-2424  
Cell (541)-601-4512

Cc: Nathan Reed, CWRE





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MAR 29 1881

WARD

MAR 29 1881

Two copies  
of the  
report of the  
Board of  
Education

RECEIVED

WARD

WARD

Received of the Board of Education  
two copies of the report of the  
Board of Education for the year  
1880-81. The report is  
submitted to the Board of  
Education for their  
approval and for their  
transmission to the  
Governor and Council.

WARD

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approval and for their  
transmission to the  
Governor and Council.

WARD



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## DOUGLAS COUNTY CLERK



# CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM ORIGINAL  
DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED



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### 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.

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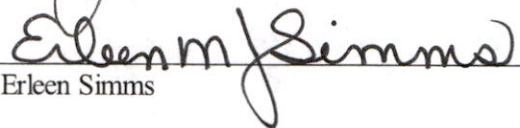
SEP 13 2021

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.

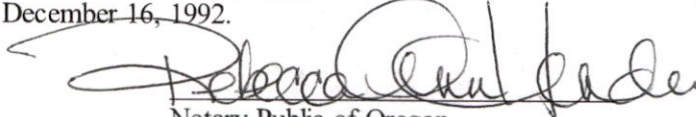
SAND FAMILY TRUST  
U/T/D December 16, 1992

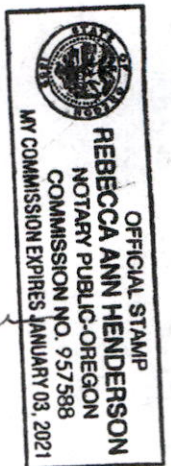
  
Joanne Sand, Trustee

  
J. Pike Simms  
  
Erleen Simms

STATE OF OREGON )  
County of Douglas ) ss.  
)

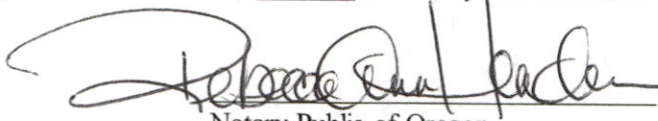
This instrument was acknowledged before me on June 4, 2019, by Joanne Sand, as Trustee under the Sand Family Trust U/T/D December 16, 1992.

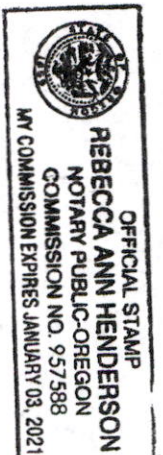
  
Notary Public of Oregon



STATE OF OREGON )  
County of Douglas ) ss.  
)

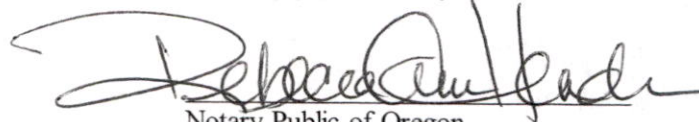
This instrument was acknowledged before me on June 4, 2019, by Erleen Simms.

  
Notary Public of Oregon



STATE OF OREGON )  
County of Douglas ) ss.  
)

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

  
Notary Public of Oregon

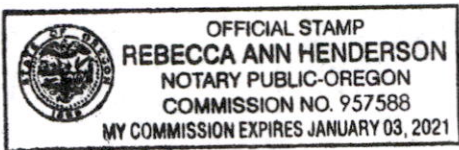


EXHIBIT "A"

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. *mm*

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# CLAIM OF BENEFICIAL USE MAP

FOR: J. & ERLEEN SIMMS

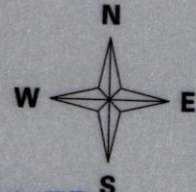
BY: NATHAN REED, PE, CWRE

T26S, R6W, W.M. SECTION 18 DLC 59

APPLICATION NO. S-88700

PERMIT NO. S-55227

DATE SURVEYED: JULY 26, 2021

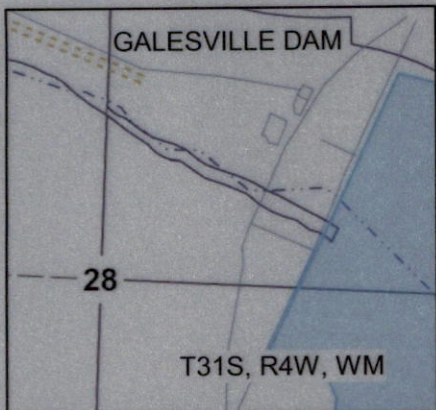


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SCALE: 1" = 400'

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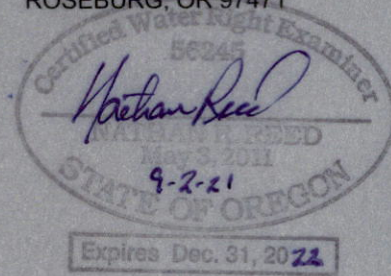


POD IS LOCATED 758 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER, SECTION 18 AS PROJECTED IN DLC NO. 59.

### Legend

	River		Irrigation		Gov Lot		Quarter
	Flow arrow		Pipeline		DLC		Sixteenth
	POD		structure		Section		Parcels
	Meter		Roads				

MAP PREPARED FOR:  
 J. & ERLEEN SIMMS  
 301 LOWER GARDEN VALLEY RD  
 ROSEBURG, OR 97471



Expires Dec. 31, 2022

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

MAP PREPARED BY:  
 NATHAN R. REED, PE, CWRE  
 157 WEST BODIE STREET  
 ROSEBURG, OR 97471