

CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water



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

A fee of \$230 must accompany this form for any Transfer final orders 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.

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes. YES NO

Mark all that apply:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use |
| 3. <input checked="" type="checkbox"/> Change in Character of Use | 4. <input type="checkbox"/> Change in Character of Use –Reservoir |

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION # T-12496

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Guido Land & Equipment Co., LLC & Callahan Ridge, LLC	PHONE NO. 541-673-1088	ADDITIONAL CONTACT NO. 541-673-1060
ADDRESS 640 Shady Drive		
CITY Roseburg	STATE OR	ZIP 97471
E-MAIL		

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

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

TRANSFER HOLDER OF RECORD Same		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

9/12/2022

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Alex Palm	9/12/2022	Project engineer, i.e. Engineering
Brant Guido	9/12/2022	Part owner
Jeremy Stoffal	10/13/2022	Employee

6. County:

Douglas

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

OWNER OF RECORD NA		
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 Kenna Clay Jordan		PHONE NO. 541-430-6926	ADDITIONAL CONTACT NO.	
ADDRESS 460 Jordan Lane				
CITY Roseburg	STATE OR	ZIP 97471	E-MAIL	

Transfer Holder of Record Signature or Acknowledgement

Each transfer 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
<i>Kelly Guido</i>	Kelly Guido	member	3/6/23
<i>Mona Lisa Guido</i>	Mona Lisa Guido	member	3/6/23

SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? YES NO

If "NO", this Section can be deleted.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD-1	So. Umpqua R. & Galesville Reservoir
POD-2	So. Umpqua R. & Galesville Reservoir
POD-3	So. Umpqua R. & Galesville Reservoir

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD-1	0.73 CFS	1.73 CFS	
POD-2	0.73 CFS	1.51 CFS	
POD-3	1.73 CFS	1.79 CFS	

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System Description

Are there multiple new or additional Points of Diversion (POD)? you will need to copy and complete Sections A, B, or C in this Section for each POD.

YES "YES"

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

POD-1

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	4HH-60-4	2352961438	Centrifugal	6 in.	4 in.

2. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	60

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
60	79	5 ft.	24 ft.	1.71

4. Provide pump calculations:

$$\text{Pump } Q = \frac{(\text{HP})(\text{Pump Efficiency})}{(\text{Total Head in Feet})} = \frac{60 (6.61)}{(200.7 + 5 + 24)} = \frac{396.6}{229.7} = 1.73 \text{ CFS}$$

5. 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)

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

6. Additional notes or comments related to the system:

Water also delivered to bulge in system. Water used from bulge in conjunction with Ground Water Registration Modifications T-12268 & T-12269. There are two 60 HP turbine pumps that pump ground water and bulge water. Rainbird electronic meter indicates 72 million gallons pumped

B. Gravity Flow Pipe

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

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

If "NO", items 2 through 4 relating to this section may be deleted.

C. GravityFlowCanal or Ditch

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

1. Does the diversion involve a gravity flow ditch or canal? NO

If "NO", items 2 through 4 relating to this section may be deleted.

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

POD-2

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A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	unknown	unknown	centrifugal	3"	5"

2. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	30

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
30	40	10 ft.	20 ft.	1.09

4. Provide pump calculations:

$$\text{Pump } Q = \frac{(\text{HP})(\text{Pump Efficiency})}{(\text{Total Head in Feet})} = \frac{30 (6.61)}{(101.6 + 10 + 20)} = \frac{198.3}{131.6} = 1.51 \text{ CFS}$$

5. 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)

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

6. Additional notes or comments related to the system:

Water also delivered to bulge in system. Water used from bulge in conjunction with Ground Water Registration Modifications T-12268 & T-12269. There are two 60 HP turbine pumps that pump ground water and bulge water. Rainbird electronic meter indicates 72 million gallons pumped

B. Gravity Flow Pipe

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

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

If "NO", items 2 through 4 relating to this section may be deleted.

C. GravityFlowCanal or Ditch

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

1. Does the diversion involve a gravity flow ditch or canal? NO

If "NO", items 2 through 4 relating to this section may be deleted.

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

POD-3

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A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkeley	B3ZPL	M0928	Centrifugal	4"	3"

2. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	30

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
30	35	10 ft.	12 ft.	1.79

4. Provide pump calculations:

$$\text{Pump } Q = \frac{(\text{HP})(\text{Pump Efficiency})}{(\text{Total Head in Feet})} = \frac{30 (6.61)}{(88.9 + 10 + 12)} = \frac{198.3}{110.9} = 1.79 \text{ CFS}$$

5. 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)

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

6. Additional notes or comments related to the system:

Open discharge to bulge in system. Water used from bulge in conjunction with Ground Water Registration Modifications T-12268 & T-12269. There are two 60 HP turbine pumps that pump ground water and bulge water. Rainbird electronic meter indicates 72 million gallons pumped

B. Gravity Flow Pipe

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

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

C. GravityFlowCanal or Ditch

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

1. Does the diversion involve a gravity flow ditch or canal? NO

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order? NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **YES**

If "NO", this Section can be deleted.

1. Claim Summary – New Use(s):

Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED
Quasi-Municipal

2. Variations:

Were all the uses developed from what was authorized by the transfer final order? **YES**

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

If "NO", this Section can be deleted.

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**SECTION 4
CONDITIONS**

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

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	3/20/2017	
COMPLETENESS DATE FROM ORDER (C)	10/1/2022	9/20/2022 – last two meters installed and water used under terms and conditions of transfer order

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?
If "NO", you may delete the following table.

NO

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other 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**

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD-1	McCrometer	20-03666	working	197841 x .001 AF	2020
POD-2	McCrometer	22-07318	working	4089 x .001 AF	9/28/2022
POD-3	McCrometer	22-07317	working	1150 x .001 AF	9/28/2022

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**

NO

If "NO", item b relating to this section may be deleted.

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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
Prior to transfer order	Pump installer

Reminder: If the permit or transfer final order 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? No

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

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

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7. Other conditions required by the transfer 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. 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):

Staff gages and weirs – waived by watermaster – see attachment

**SECTION 5
ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
1: E-mail from watermaster	E-mail waiving staff gages and weirs
2: ODF & W letter	Fish Screen approval

**SECTION 6
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 polyester 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.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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.

Douglas County Gis tax lots over current ORmap for assumed best fit. True Pulse distance meter used for elevations. POD 1, 2 & 3 locations provided by i.e. Engineering and were verified using Google aerial photos during field inspection.

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Map Checklist

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

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New landowner
Previous - Deryle Towner ✓

MAR 24 2015

I-90-8 ✓

PATRICIA K. HITT, COUNTY CLERK

CONTRACT FOR PURCHASE OF AGRICULTURAL WATER FROM GALESVILLE PROJECT

This contract is made on March 24, 2015 between Douglas County, a political subdivision of the State of Oregon, ("County"), and Guido Land & Equipment, LLC, ("Customer").

COUNTY AND CUSTOMER AGREE:

1 TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on March 1, 2015 and end on December 31, 2025, 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.

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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 18.50 acres. This allocation shall not exceed 18.50 acre feet ~~per acre~~ 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 \$300.00 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 a waiver of any other breach.

17 SUCCESSORS: The successors, assigns, and legal representatives of Customer and County shall be bound by the 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 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.

18.3. Notices to Customer shall be directed to: Guido Land & Equipment, LLC
640 Shady Drive, Roseburg, OR 97470

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

20 TERMINATION FOR CONVICTION: 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 the Customer notice thirty days prior to the date of termination under this section, but the 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 Kelly Guido
Kelly Guido
Phone Number 541-673-1111
Date 2-20-15

DOUGLAS COUNTY

By Robert G. Paul
Robert G. Paul, P.E., Director of Public Works Department, Authority to sign contract granted by order of Board of County Commissioners, dated August 14, 2002.
Date 3/20/2015

REVIEWED AS TO CONTENT

By TRM
Division Manager
Date 3/2/15
Coding 215-0000-2810-00-012010

REVIEWED AS TO FORM

By [Signature]
County Legal Counsel
Date 03/17/15

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EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

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

Acre Feet: _____ Annual Cost: \$ _____

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:

18.50 acres of supplemental irrigation. This allocation shall not exceed 1.0 acre foot 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: 18.50 Annual Cost: \$ 300.00

- 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:	18.50	acres
Total Allocation:	18.50	acre feet
Total Cost:	\$ 300.00	

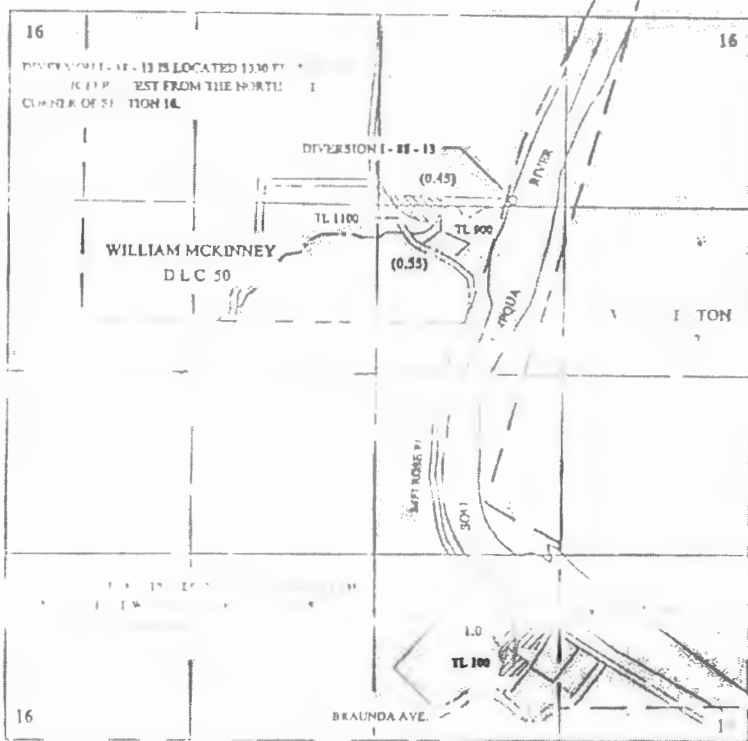
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FINAL PROOF SURVEY MAP

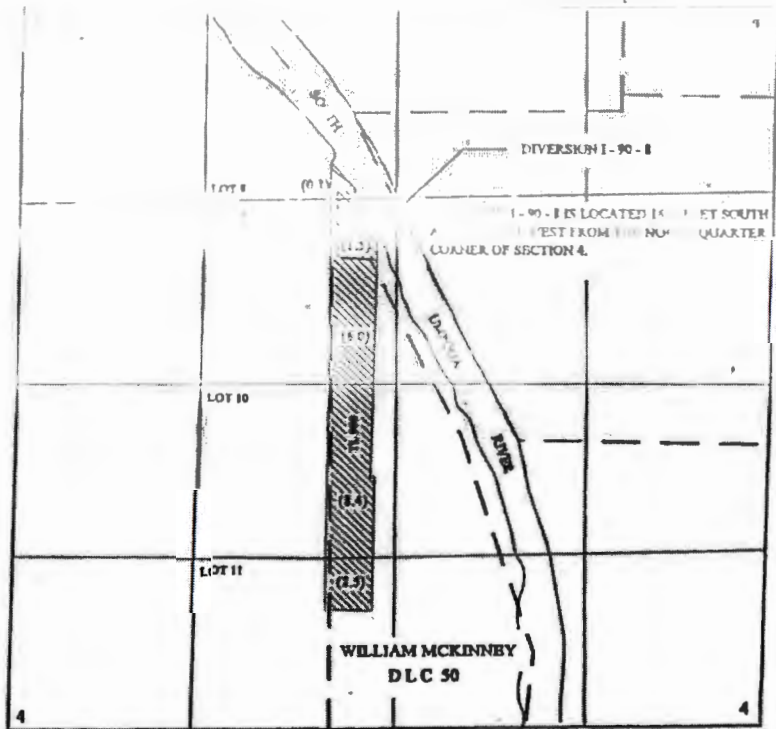
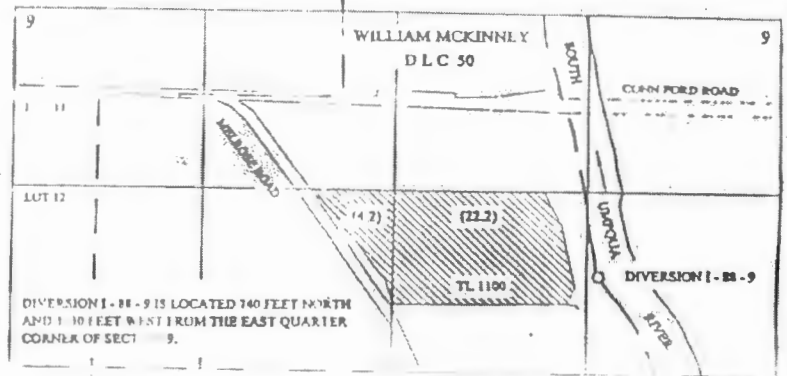
IN THE NAME OF DOUGLAS COUNTY PUBLIC WORKS

APPLICATION S-70716 PERMIT 52930

TOWNSHIP 27 SOUTH, RANGE 6 WEST, W.M.



MAP SHEET 6



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.

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Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

Water Resources Department
Mr. Gerry Clark
725 Summer St. NE, Suite A
Salem, OR 97301

Claim Of Beneficial Use:
Transfer: T-12469

March 13, 2023

Mr. Clark:

Inclosed are the Claim of Beneficial Use (COBU) form, Mylar map, Attachment 1 addressing staff gage waiver, Attachment 2 addressing in part fish screens, contract for purchase of Galesville water I-90-8, Certificate Reimbursement... Estimate and a check #2610 in the sum of \$355 made out to the Department.

If there are any questions please officially contact the applicant with a copy to me.

Respectfully,



Clay Jordan, P.E., S.E., Geotech, CWRE

cc: Mr. Kelly Guido

file: Guido Q-M Transfer T-12496 COBU wrd-cl.wpd

Norm Daft

From: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>
Sent: Tuesday, September 13, 2022 7:47 AM
To: Norm Daft
Cc: CLARK Gerald E * WRD; KCJ
Subject: RE: Transfer and permit conditions

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Hello Norm-

We share an understanding of –

S-54797 – Domestic expanded. A tfm will suffice.

T-12496 – Because the amount of water can be accounted for between all the rights involved, staff gages would serve no purpose. They are not required. However, meters are required for all live flow from the river and from the sumps under the groundwater modifications.

Thanks

~S

From: Norm Daft <normthewaterguy@charter.net>
Sent: Monday, September 12, 2022 4:41 PM
To: DOUTHIT Susan M * WRD <Susan.M.DOUTHIT@water.oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>; KCJ <kcjengineer@zoho.com>
Subject: Transfer and permit conditions

Hi Susan,

I just got off the phone with Gerry Clark concerning permit/transfer conditions. It is Gerry's position that Watermasters are the authority that approves alternatives to conditions. He suggested we attach to the claims, something in writing from you.

As you may recall during the conference call with Clay and me today, we discussed conditions on a transfer and permit.

1. Permit S-54797 – Domestic expanded. Measurement condition states a totalizing flow meter and in-line flow meter are to be installed. Item D on page 2 allows for alternative measuring procedures. This diversion serves another water right as well, Certificate 88451. It is our understanding you indicated a totalizing meter would suffice in this case. This then would measure both water rights.
2. Transfer T-12496 – Change in POD, Place of Use and Use. The transfer order, page 12 of 13, item 14 a requires staff gages or other suitable measuring devices in reservoirs. Item 14 b requires weirs above and below or other suitable measuring devices in each reservoir. A written waiver may be obtained.

As we discussed, there are no reservoirs, only ground water sumps that are at times used as a bulge in the system for the surface water pumps. The "ponds" were determined to be ground water with Ground Water Registration Modifications T-12268 and T-12269. These modifications require a meter. All three pumps in the river have meters and the pumping station from the ponds (sumps) has a meter. The sumps were formed during gravel excavation. Our understanding, during our conversation, is that staff gages would serve no purpose since the pumps are metered. The sumps are not in any sort of a channel so weirs and an outlet valve would serve no purpose. The transfer order, however, requires a written waiver.

Please let us know if our understanding is correct – Meter for S-54797 and Meters and no staff gages for T-12496 and no weirs or outlet(s) required.

Thanks.

Norm

Norm Daft
(541) 761-1057

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Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Road

Central Point, OR 97502

(541) 826-8774

Fax: (541) 826-8776

www.odfw.com



November 22, 2022

Guido Land & Equipment Co, LLC &
Callahan Ridge, LLC
640 Shady Dr.
Roseburg, OR 97471

To Whom It May Concern,

Regarding OWRD water right transfer T-12496, it is ODFW's understanding that POD's 1, 2, & 3 are the only ones in use, and we have determined that the three associated fish screens meet current fish protection criteria. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "RLKL".

Rich Kilbane
SW Field Coordinator
Fish Screening and Passage Program

(541) 857-2421

Cc: Clay Jordan, CWRE
Norm Daft

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**OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number _____ Permit Number _____ Transfer Number/Permit Amendment (if applicable) <u>T-12496</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	<u>Guido Land & Equipment Co.</u>	_____
Address:	<u>640 Shady Drive</u>	_____
	<u>Roseburg, OR 97471</u>	_____
Phone:	<u>541 673-1088 541-673-1060</u>	_____
Fax:	_____	_____
E-Mail Address:	_____	_____

I certify that I (check one):

- have previously filed a Claim of Beneficial Use
- am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:
**Oregon Water Resources Department
 Certificate Reimbursement Authority Program
 725 Summer St. NE, Suite A
 Salem, OR 97301-1271**

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I certify that I am the (check one):

- Applicant
- Applicant's Representative
- Other (Please specify) _____

Name: Kelly Guido

Signature:

OWRD USE ONLY: Reimbursement Authority Number: R12 19
--