

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Paul Orchard + Melissa Orchard		PHONE (HM) 541-297-6987	
PHONE (WK)	CELL Paul 541-404-4304	FAX	
ADDRESS 350 Woodland Dr.			
CITY Winston	STATE Or	ZIP 97149	E-MAIL * mdorchard@1968@gmail.com

Organization

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

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

AGENT / BUSINESS NAME Donald Smith		PHONE 541-888-3972	FAX
ADDRESS 350 Woodland Dr.			CELL
CITY Winston	STATE OR	ZIP 97149	E-MAIL * dstwoin or@yahoo.com

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

	PAUL S. ORCHARD	4-21-2023
Applicant Signature	Print Name and Title if applicable	Date
	Melissa Orchard	4/21/2023
Applicant Signature	Print Name and Title if applicable	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.

- 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).*

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: Ben Irving Reservoir	Tributary to: Lookingglass Creek
TRSQQ of POD: T.28S R.6W SENE Section 19	
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).

Permit- R8444 Certificate- 89035- Contract attached to application

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B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- 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.

- 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_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

- Yes No

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.

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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.

SECTION 5: WATER USE

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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
Ben Irving Reservoir	Irrigation	March 1- Oct 31	25 <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, supplemental and/or nursery acres to be irrigated.

Primary: 10 Acres Supplemental: _____ Acres Nursery Use: _____ 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: 25.0

- 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): 1.5 HP ^{110V} submersible 5" By 5' fish screen
 Other means (describe): 10GPM

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. sprinklers + k line in ground

B. Application Method

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

Low Pressure sprinkler + k line

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.

will use water to sprinkle on field when needed

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:

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:

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:

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions:

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List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: May 1, 2023
- b) Date construction will be completed: October 1, 2023
- c) Date beneficial water use will begin: Upon issuance of permit

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 Lookingglass Olalla Water Control District	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).*



Land Use Planning | (541) 440-4289 | planning@co.douglas.or.us
 Code Enforcement | (541) 440-4289 | code.enforcement@co.douglas.or.us
 On-Site Wastewater Management | (541) 440-6183 | onsite@co.douglas.or.us

Planning and Sanitation Worksheet

Worksheet Number: 230369

Type: Other Action

Applicant / Owner

Applicant: Melissa Orchard
Address: 350 NW Woodland Drive
City/State/Zip: Winton, OR 97496
Phone: 541-297-6987
Email: mdorchard1968@gmail.com

Owner: Orchard, Paul J & Melissa D
Address: 350 Woodland Dr
City/State/Zip: Winston, OR 97496,
Phone:
Email:

Site Information

Site Address: 350 Nw Woodland Dr
City/State/Zip: Winston, OR 97496,
Proposed Use: Land Use Compatibility Statement

Property ID No: R39753
MTL: 28061901300

Improvement/Description: Water Resources Dept. LUCS

Existing Structures (Number and Type): SFD, Barn, Garage, Livestock Stalls and Pens

Planning Department Information

Zoning: FG
Overlays:
Flood Plain: No
Floor Height Above Ground: N/A
Sanitation: Septic - Existing
Water: Public
Access: Public Access Permit Not Req'd

Setbacks
Front: 30'
Side: 10'
Rear: 10'
Exterior Side: NA
Height: None Established
Special: N/A
Riparian: Greater than 50'

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Sign Code: No Sign Proposed

Parking Spaces Required: NA

Conditions of Approval:

LUCS for Oregon Water Resources Dept. for a Land Use Compatibility Statement (LUCS) for irrigation; no structural development authorized through this LUCS; must meet all requirements and permitting from all applicable agencies.

Refer To:

Approved By: Kathy Wall
Receipt #: 953

Approval Date: 04/20/2023
Expiration Date: 04/20/2024

Sanitation Information

Remarks:

Entity:

Signature/Date:

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

Melissa Orchard

04/20/2023

Applicant Signature

Date

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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

Applicant(s): Melissa Orchard

Mailing Address: 350 NW Woodland Drive

City: Winston

State: OR

Zip Code: 97496

Daytime Phone: _____

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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>T.28S</u>	<u>R.6W</u>	<u>19</u>	<u>SWNE</u> <u>SENE</u>	<u>1600/</u> <u>1300</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>T.28S</u>	<u>R.6W</u>	<u>20</u>	<u>SWNW</u>	<u>1600</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	_____

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

Douglas

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) Ben Irving Reservoir

Estimated quantity of water needed: 25
 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:

Stored water is needed for Irrigation from Ben Irving Reservoir



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. →

For Local Government Use Only

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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):
- 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
DOUGLAS COUNTY PLANNING DEPARTMENT ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470		<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.

LUDO § 3.4.050(5) - water impoundments with less than 1000 acre-feet of storage in conjunction with farm use.
 zone: FG Farm grazing R.39753

Name: Kathy Wall Title: Senior Planner
 Signature: Kathy Wall Phone: 541-440-4589 Date: 4-20-2023
 Government Entity: Douglas County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Douglas County Official Records
Daniel J. Loomis, County Clerk

2022-013214

08/12/2022 09:32:01 AM

DEED-WD Cnt=1 Stn=17 RRHARRIS
\$30.00 \$11.00 \$10.00 \$60.00

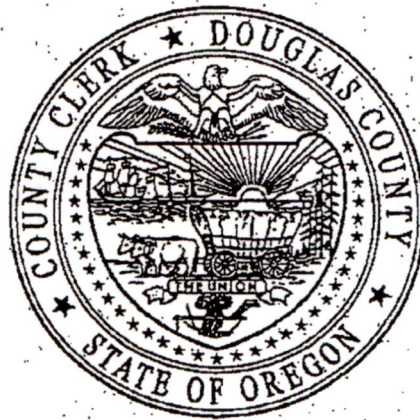
\$111.00

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DOUGLAS COUNTY CLERK, OREGON



CERTIFICATE PAGE

IAW ORS 205.180

DO NOT REMOVE THIS PAGE
FROM ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED
IF DOCUMENT IS RE-RECORDED

WD-WT0241030

WESTERN TITLE & ESCROW COMPANY

RECORDING REQUESTED BY:

Western Title & Escrow

2365 NW Kline Street, Suite 201
Roseburg, OR 97471

AFTER RECORDING RETURN TO:

Order No.: WT0241030-BV
Brandi Volk
Western Title & Escrow Company
2365 NW Kline Street, Suite 201
Roseburg, OR 97471

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SEND TAX STATEMENTS TO:

Paul J. Orchard and Melissa D. Orchard
350 Woodland Drive
Winston, OR 97496

APN: R39753
R39689
R143325
Map: 28-06W-19-01300
28-06W-19-01600

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Ronald S. Johnson and Paula S. Johnson, Trustees of the Johnson Joint Revocable Living Trust, Grantor, conveys and warrants to Paul J. Orchard and Melissa D. Orchard, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Douglas, State of Oregon:

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00). (See ORS 93.030).

Subject to:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 8-10-22

Johnson Joint Revocable Living Trust

BY: Ronald S. Johnson
Ronald S. Johnson
Trustee

BY: Paula S. Johnson
Paula S. Johnson
Trustee

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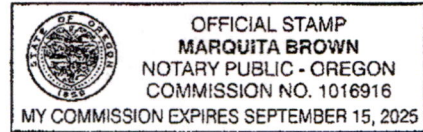
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State of OREGON
County of Douglas

This instrument was acknowledged before me on 8/10/22 by Ronald S. Johnson and Paula S. Johnson, Trustees of the Johnson Joint Revocable Living Trust.

MBrown
Notary Public - State of Oregon

My Commission Expires: 9/15/25



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EXHIBIT "A"
Legal Description

A parcel of land lying in Sections 19 and 20, Township 28 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, being a portion of that property conveyed to James L. Richey, Jr. and Patricia M. Richey in Recorder's No. 268659, Deed Records of Douglas County, Oregon, and being described as follows: Beginning at a point on the west line of John Cox Donation Land Claim No. 49, in said Township and Range, said point bears North 0° 05' 06" West 1638.33 feet from the southwest corner of said Claim; thence along the southerly and easterly lines of that property described in Recorder's No 89-5226, Records of Douglas County, Oregon, South 74° 33' 08" East 1024.42 feet, South 73° 37' 32" East 127.05 feet, North 56° 10' 46" East 116.08 feet and North 21° 31' 27" East 79.72 feet to a 5/8 inch iron rod on the southerly line of a 50 foot radius cul-de-sac; thence along a curve to the right along said cul-de-sac (the long chord which bears the North 46° 42' 36" East 90 .26 feet) 201.58 feet; thence along the northerly line of a 60 foot wide easement, South 70° 55' 48" East 367 .52 feet; thence along the arc of a 170 foot radius curve to the left (the long cord of which bears South 79° 57' 54" East 53.33 feet) 53.62 feet and South 88° 58' 30" East 12.61 feet to a 3/4 inch iron pipe on the west side of Woodland Terrace, Douglas County, Oregon; thence South 1° 01' 30" West along said west line, 60.00 feet to a 3/4 inch iron pipe; thence along the southerly line of said easement, North 88° 58' 30" West 12.61 feet along the arc of a 230 foot radius curve to the right (the long chord of which bears North 79° 57' 09" West 72.14 feet) 72.44 feet and North 70° 55' 48" West 69.27 feet to a 1/2 inch iron rod at the northeast corner of property described in Recorder's No. 75-13731, Records of Douglas County, Oregon; thence South 0° 30' West along the east line of said property, 233.12 feet to a 3/4 inch iron pipe at the southeast corner of said property; thence South 89° 05' East 150.00 feet to a 3/4 inch iron rod at the southwest corner of Lot 5, Block 1, of said Woodland Terrace; thence South 89° East along the south line of said Lot, 25.00 feet to the northwest corner of property described in Recorder's No. 76-15503, Records of Douglas County, Oregon; thence South along the west line of said property 200 feet to the southerly line of the above mentioned Richey property; thence Westerly and Northwesterly along said southerly line to a point on the west line of the above said Donation Land Claim; thence North 0° 05' 06" West along said west line to the point of beginning.

EXCEPTING that portion of the property described in Recorder's No. 72-6875, Records of Douglas County, Oregon, lying Southeasterly of the following described lines: Beginning at a point on the west line of the John Cox Donation Land Claim No. 49 in Township 28 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, said point bears North 0° 05' 06" West 1638.33 feet from the southwest corner of said Claim; thence South 74° 33' 08" East 1024 .42 feet, South 73° 37' 32" East 127.05 feet, North 56° 10' 46" East 116 .08 feet and North 21° 31' 27" East 79.72 feet.

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EXHIBIT "B"

Exceptions

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2022-2023.

The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: R39753, R39689 and R143325

Regulations, levies, liens, assessments, rights of way and easements of Winston-Dillard Water District.

Regulations, levies, liens, assessments, rights of way and easements of Lookingglass-Olalla Water Control District.

Rights of the public to any portion of the Land lying within roads and highways.

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Lookingglass Creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Rights of the public, riparian owners and governmental bodies as to the use of the waters of Lookingglass Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Power & Light Co
Purpose: electric transmission and distribution lines
Recording Date: February 14, 1963
Recording No: 319192 (Volume 321, Page 233)

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Power & Light Co
Purpose: electric transmission and distribution lines
Recording Date: July 2, 1968
Recording No: 68-7103

Terms, provisions and conditions of Easement, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in instrument,

Recording Date: November 14, 1968
Recording No.: 68-12289

Terms, provisions and conditions of Easement, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in instrument,

Recording Date: May 18, 1972
Recording No.: 72-6875

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EXHIBIT "B"

Exceptions

Effect, if any, of easement for water line, including the terms and provisions thereof, as disclosed by instrument,

Recording Date: September 24, 1976

Recording No.: 76-15480

Also disclosed by instrument,

Recording Date: September 24, 1992

Recording No.: 92-17398

**LOOKINGGLASS OLALLA WATER CONTROL DISTRICT
AGREEMENT FOR PURCHASE OF STORED WATER**

AGREEMENT made this 12th day of April 2023 between
LOOKINGGLASS OLALLA WATER CONTROL DISTRICT (DISTRICT)
and Melisa Orchard CONSUMER).

**WATER RIGHTS
NOTES**
New permit pending

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DISTRICT AND CONSUMER AGREE:

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USE TO BE MADE OF WATER / STORAGE ALLOCATION / DIVERSION LOCATION:

USE OF WATER	ACRES	STORAGE ALLOCATED	TWP	RGN	SEC	TL OR ¼ SECTION
IRRIGATION	10 ACRES	25 ac. Ft.	27S	7W	19 & 20	TL- 1300 & 1600

DOMESTIC EXPANDED

MUNICIPAL

SUB-DISTRICT

INDUSTRIAL

MULTIPURPOSE

TYPE AND TERM OF AGREEMENT / FEES:

AGREEMENT TYPE	BEGINNING DATE	RENEWAL DATE	METER READING FEE	ADMINISTRATION FEE (ANNUAL)	USE FEE
METERED New contract fee \$500.00	4-12-23	12-31-2023	\$160.00 fixed cost	\$125.00	AS PER ATTACHED EXHIBIT "A"

This agreement is made upon the following terms and conditions:

1. Price of Water Service; Payment.

1.1 The price of stored water purchased by the Consumer shall be at the rates shown in attached Exhibit A, as may be amended from time to time, and shall be applicable at the time the Consumer signs this agreement.

1.2 The annual administration fee, the meter reading fee and the use fee shall be non-refundable and due in full no later than 60 days after billing.

1.3 The Consumer shall pay the billing for the season's water use within 60 days of being billed. The Consumer shall pay interest on the billing at the rate of 18% per annum from the date of billing on all late payments. Additionally, there shall be a late fee of \$10.00 for every 60-day period that the account remains delinquent. The District has the right to refuse to deliver water to the Consumer or the real property to which water is furnished under this agreement at any time that the Consumer is in default in the payment of any water charge or billing. Default is defined as any billing, or portion thereof, that remains unpaid for a period of 60 days or more.

1.4 The District shall periodically review and may adjust the price of water as shown on Schedule A, taking into account the following factors and any other factors that are reasonable to consider:

1.4.1 The current cost of operating and maintaining the dam, reservoir, and related facilities.

1.4.2 The projected costs for operating, maintaining, and replacing delivery facilities, including administrative expenses.

1.4.3 The price of water provided by similar facilities for similar uses.

2. Meters and Equipment.

2.1 All installations and facilities, such as but not limited to the intake pipe, pump, electrical wiring, etc., shall be provided by the Consumer at his or her own expense. The cost, installation, and maintenance of meters shall be the responsibility of the Consumer, and be approved by the State of Oregon and the District.

2.2 All Irrigation Consumers shall use a meter approved by the State of Oregon and the District. Domestic users shall comply with conditions contained within their approved permit from State Water Resources.

3. Use of Water

3.1 All water provided under this agreement shall be for the uses stated in the declarations on page 1 of this contract, only. As provided on page 1, the uses of the water are limited to irrigation, municipal (only if the Consumer is a municipality), industrial, and multipurpose.

3.2 The Consumer agrees not to use, or allow others to use, the water provided under this agreement for domestic purposes, unless the Consumer is a municipality. The Consumer acknowledges that the water provided under this agreement has not been treated or tested as suitable for drinking water. The Consumer shall indemnify the District from any damages or claim that may result from or arise in connection with any person using the water provided under this agreement for domestic purposes. "Domestic purposes" means use of water for human consumption or household purposes; "domestic purposes" does not include use of water for lawn, garden, yard, or small-scale livestock watering, which are residential irrigation uses.

3.3 The Consumer agrees to not waste water, and agrees to promptly remedy any situation leading to waste of water which may be brought to his or her attention by the District.

3.4 The Consumer shall provide the District with the county assessor's tax lot identification describing where water under this contract shall be used.

4. Contract Term and Extensions for Metered Service Consumers.

The contract for Consumers currently using meters (metered service) shall terminate December 31, 2023. Metered service Consumers shall have the right to extend the terms of this contract for additional periods of 10 years each under the following conditions:

4.1 A functioning meter approved by the State of Oregon and the District is in use.

4.2 The Consumer is paid current and not in default of any of the contract terms.

4.3 The extension shall occur automatically without further act or agreement of the parties at the end of the then-current term. Each extension shall take effect on January 1 after extension.

4.4 The provisions of this contract shall apply to any extension of the contract, except for changes in the price of service, which may be modified.

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4.5 The Consumer shall not be entitled to extend the term of this contract if he or she is in default of any of the terms under this contract at the end of the then-current term.

5. Termination of Contract by Consumer.

The Consumer may terminate his or her contract by giving written notice to the District at least 30 days prior to the date of termination. The Consumer shall be responsible for the full fee for the entire irrigation season, unless the contract is terminated prior to the start of irrigation season (March 1).

6. Termination and Reinstatement of Contract by District.

The District may terminate for cause any person's right to receive water under an irrigation contract by mailing written notice to the affected person at that person's last known address at least 30 days prior to date of termination. The District may terminate or refuse to extend or reinstate an irrigation contract for any of the following causes:

6.1 Non-payment of irrigation fees after the District mailed written notice that one or more fees were due. The District may reinstate the contract if payment is received within the 30-day period.

6.2 Refusal or failure to comply with District regulations or orders. The District may reinstate the contract if the contract holder complies with District regulations and orders within the 30-day period.

6.3 Change in ownership of the land to which water is being provided. The District may reinstate the contract if the new owner agrees to enter into a new contract with the District within the 30 day period, provided any sums due to the District for providing water service to the real property involved are paid in full.

6.4 Change in circumstances that make it likely that the District will not be able to provide water to all contract holders. The District may reinstate the contract if circumstances further change so as to make it likely the District will have sufficient water for the projected need.

In all cases, the District's decision to terminate or reinstate an irrigation contract shall be at the discretion of the District. A decision to terminate or reinstate a particular contract shall have no precedential value in determining whether to terminate or reinstate the same or a different contract in a later situation.

7. Allocation of Water in Drought Years.

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In the event of a drought year (e.g., any year in which Ben Irving Reservoir does not fill through natural rainfall to the point where all District irrigation contract holders can be supplied with enough water to satisfy their contracts) the District shall use reasonable efforts to evenly allocate water to all Consumers by an across-the-board percentage cut in allocations. For example, if the reservoir level requires a 25% cut in allocations, the District shall use reasonable efforts to assure that all Consumers shall have their allocations cut 25%, i.e., each Consumer shall receive 75% of his or her contracted water. Meters shall be read on a regular basis and when the allocated amount of water has been delivered, the pump shall be tagged out by District personnel. Consumers with flat rate service shall be contacted by the District as early as reasonably possible in a drought year to determine which acreage Consumer shall not irrigate that year.

8. Water Rights.

The District shall be responsible for obtaining all water rights to store and deliver water for the Consumer's use allocated under this agreement. The Consumer shall be responsible for obtaining at Consumer's expense any necessary water rights, permits or certificates from the State of Oregon for use of the stored water provided under this contract. The Consumer shall also be responsible for any other permits necessary to use water provided under this agreement.

9. Right of Entry.

The District, its agents, employees, and contractors, shall have the right at all reasonable times to enter upon the premises of the Consumer to inspect the water intake and meter and beneficial use of the water. The Consumer agrees to maintain such areas to ensure safety of the meter reader, and to provide such access to the District and its personnel.

10. Miscellaneous.

10.1 The obligation of the District to deliver water to the Consumer is conditioned upon the ability of the District to provide the same. The District shall not be liable for failure to deliver the water at any given time or in any given amount if it is prevented from doing so by breakdown of facilities, accidents or other events which may occur.

10.2 The obligation of the District hereunder at any time may be limited by any lawful order.

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10.3 The District reserves the right to promulgate reasonable rules and regulations from time to time applicable to all water users of the District governing the taking and use of water from the District, and the implementation of the terms of this contract.

10.4 This agreement inures to the benefit of the parties hereto and their respective successors and assigns.

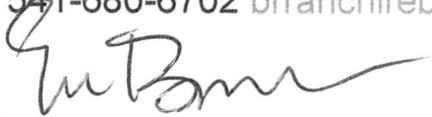
10.5 In the event any court action or suit is necessary to enforce payment or any other provision of this agreement, the prevailing party shall be entitled to reasonable attorney fees and costs as determined by the court. Jurisdiction and venue of any case filed to enforce the terms of this agreement shall be exclusively in the circuit court of Douglas County, in Roseburg, Oregon.

IN WITNESS WHEREOF, the parties have affixed their signatures below.
LOOKINGGLASS-OLALLA WATER CONTROL DISTRICT

Representing Lookingglass Olalla Water Control District

Evan Barnes 541-680-6702 bbranchlreb@gmail.com

BY:



Date 4-12-23

Melissa Orchard

BY:



Date 4-12-23

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PHONE: 541-297-6987

FAX

E-mail

mdorchard1968@gmail.com

Billing Address:

Physical Address:

Same

350 Woodland Drive

Roseburg Oregon

97471 96

LOOKINGGLASS OLALLA WATER CONTROL DISTRICT
 BEN IRVING RESERVOIR

EXHIBIT A
 RATE SCHEDULE

EFFECTIVE JANUARY 2014 through DECEMBER 2023
 (Revision date shown below)

TYPE OF USER	ANNUAL ADMINISTRATION FEE Amended April 26, 2016	ANNUAL METER READING FEE	ANNUAL RATE OF USE FEE	COMMENTS
IRRIGATION (METERED) ALL NEW CONTRACTS \$500.00 (one-time) Contract Transfer fee \$250.00	\$125.00 1-10 Acres \$250.00 11-90 Acres \$500.00 91 + Acres	\$160.00 PER METER	\$12.00 PER ACRE FOOT	METER REQUIRED
IRRIGATION SUB DISTRICT (UP TO 4 IRRIGATORS) EACH ADDED IRRIGATOR	\$250.00 \$75.00	\$160.00 PER METER	\$12.00 PER ACRE FOOT	MASTER METER REQUIRED
MUNICIPAL/QUASI MUNICIPAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
INDUSTRIAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
DOMESTIC DOMESTIC EXPANDED (same)	\$165.00	NO METER REQUIRED	\$128.00 PER DWELLING - NO MORE THAN 3 DWELLINGS PER CONTRACT ON 1 PARCEL	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM – CURRENTLY NO METER REQUIRED
MULTIPLE USE	TBD	\$160.00 PER METER	\$64.00 PER ACRE FOOT	METER REQUIRED
DOMESTIC EXPANDED	\$165.00	NO METER REQUIRED BY LOWCD	\$64.00 PER ACRE FOOT = \$128.00 PER YEAR FLAT FEE	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM – CURRENTLY NO METER REQUIRED
Truck washing, dust control	\$165.00	none	\$70.00 2 acre feet maximum	Meter not required

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$_____

See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. 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 (IR) 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 \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. 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.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. 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 IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of 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.

6. 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, limitations or conditions that the Department deems appropriate

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