

Name Christine T. Donahue S-88259  
 By 30920 Lanes Turn Rd  
 Address Eugene, OR 97408

Application No. **88259**  
 Permit No. S-55028  
 Certificate No. \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt No.
7-11-16	\$1,290.00	120472
	Cert. Fee	

Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ C-22

Date \_\_\_\_\_  
**DENIED** \_\_\_\_\_  
**MISFILED** \_\_\_\_\_ Volume Page  
**WITHDRAWN** \_\_\_\_\_  
**CANCELLED** \_\_\_\_\_

FEES REFUNDED		
Date	Amount	Receipt No.

Priority July 11, 2016  
 County Lane WM# 2

**RELATED FILES**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ASSIGNMENTS**

Date	To Whom	Address

**DEVELOPMENT** Date  
 Completion January 19, 2022  
 Extended to \_\_\_\_\_  
 \_\_\_\_\_  
 Final Proof received \_\_\_\_\_  
 Proposed Cert. Mailed \_\_\_\_\_

**REMARKS** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Mailing List for FO

Scheduled Mailing Date:

**Application:** S-88259

**Permit:** S-55028

**Original mailed to Applicant with CBU form:**

CHRISTINE T. DONAHUE  
30920 LANES TURN RD  
EUGENE OR 97408

**Copies of FO sent to:**

1. File S-88259
2. WRD-Hydrographics

**Copies of Map sent to (remember to reduce copy margins):**

1. Watermaster District 2, Michael J. Mattick

<b>Copies Mailed</b>	
by:	<u>SP</u>
	(STAFF)
on:	<u>1-20-17</u>
	(DATE)

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

CHRISTINE T. DONAHUE  
30920 LANES TURN RD  
EUGENE OR 97408

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88259

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS RESERVOIR  
CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARY TO WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 5.2 ACRES

MAXIMUM VOLUME: 13.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: JULY 11, 2016

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

**Authorized Point of Re-Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	4 W	WM	14	SE NE	1670 FEET SOUTH AND 1290 FEET WEST FROM NE CORNER, SECTION 14

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	4 W	WM	14	NE NE	0.90
16 S	4 W	WM	14	NW NE	0.82
16 S	4 W	WM	14	SW NE	0.82
16 S	4 W	WM	14	SE NE	2.66

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

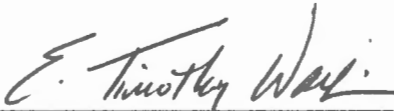
The use of water under this right is subject to the terms and conditions of contract No. 179E101920, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.

7. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
8. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued JANUARY 19 2017



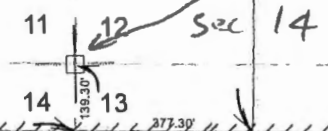
E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

T 16 S, R 4 W, Sec 14

1" = 400'

POD is 1670'S & 1290'W of NE cor

SEE MAP 16041200



RECEIVED BY OWRD

JUL 11 2016

SALEM, OR

55-03

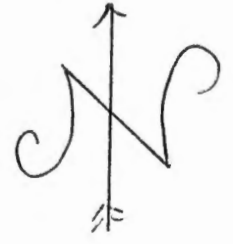
LOT 13 37.95

N89°31'W 79.58 CH = 5250.96'

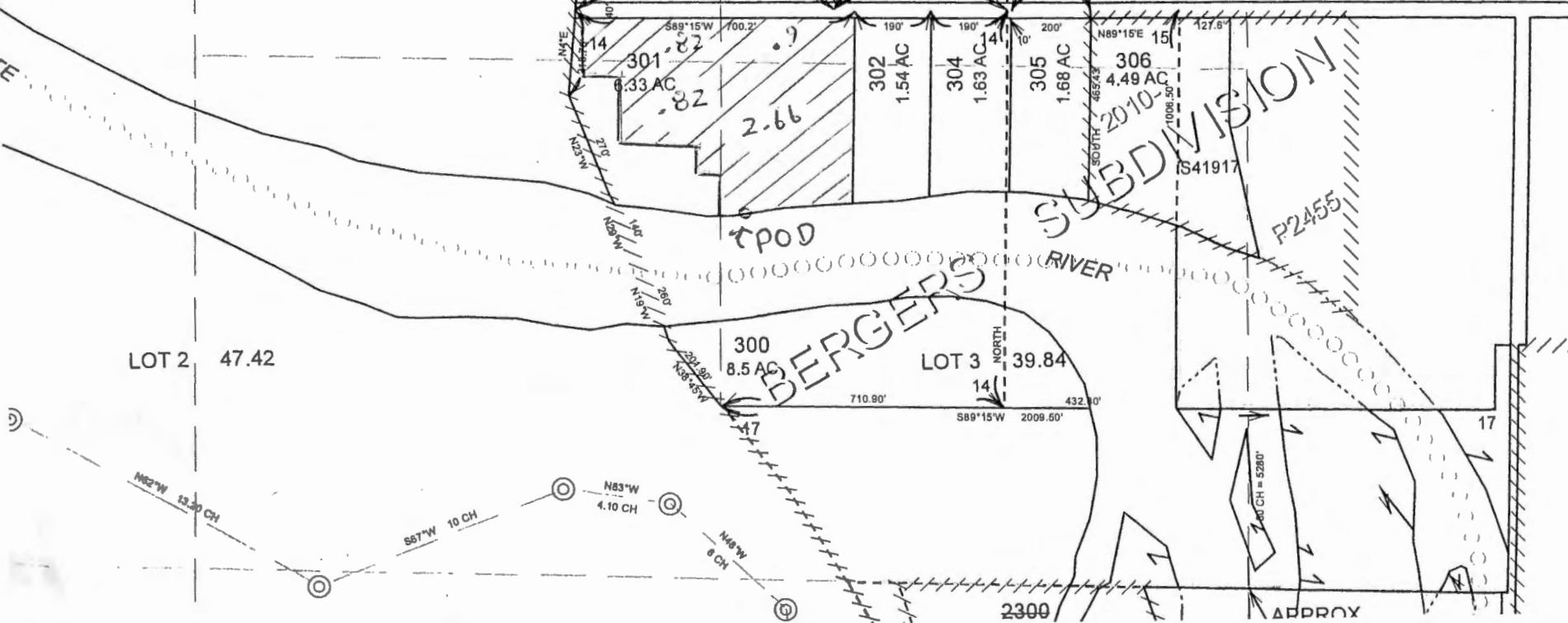
200 17.36 AC

100 15.02 AC

LOT 14 35.78



- CANC
- 101
- 1800
- 2100
- 2200
- 2300
- 500
- 700
- 900
- 303



LOT 2 47.42

LOT 3 39.84

300 8.5 AC

301 8.33 AC

302 1.54 AC

304 1.63 AC

305 1.68 AC

306 4.49 AC

BERGERS RIVER

STED DIVISION

P2455

APPROX

S-00209/S-55028

1604146000301

2-00221  
SCOTT



# United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Regional Office  
1150 North Curtis Road, Suite 100  
Boise, ID 83706-1234

IN REPLY REFER TO:  
PN-6324  
WTR-4.00

**DEC 07 2016**

Christine T. Donahue  
30920 Lanes Turn Road  
Eugene, OR 97408

Subject: Water Service Contract No. 179E101920, Willamette River Basin Project, Oregon

Dear Ms. Donahue:

Enclosed for your records is a fully executed original of Contract No. 179E101920, which provides water use for irrigation beginning with the 2017 irrigation season.

The contract provides irrigation use of up to 13 acre-feet of stored water from the Willamette River Basin Project for use on a total of 5.2 acres.

If you have any questions, please contact Mr. Bill Parks, Economist, at the above address or telephone 208-378-5344.

Sincerely,

Ryan M. Patterson  
Program Manager  
Repayment and Acreage Limitation

Enclosure

cc: **Water Rights Division**  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
(w/copy of contract)

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR

RECEIVED BY OWRD

DEC 12 2016

SALEM, OR



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette River Basin Project, Oregon

**CONTRACT FOR WATER SERVICE**

THIS CONTRACT, made this 7<sup>th</sup> day of December, 2016, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (52 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and **Christine T. Donahue**, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

**EXPLANATORY RECITALS**

2. WHEREAS, The United States has constructed and operates a system of multipurpose reservoirs in the Willamette River Basin, Oregon, herein styled the Willamette River Basin Project, from which there is a flow of stored water that can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, was appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

3. WHEREAS, Reclamation has met all environmental compliance requirements for the execution of this contract through preparation and issuance of Categorical Exclusion Checklist, PN-BFO-CE-2016-094, approved on August 8, 2016.

4. WHEREAS, the Contractor owns or serves land hereinafter described, for which a water supply is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

**LANDS FOR WHICH WATER IS DIVERTED: LIMITATIONS ON RELEASES**

5. For a period not to exceed 40 years from the date first above written, the United States shall release each year to the Contractor during the irrigation season from March 1 to October 31, inclusive, stored water from the Willamette River Basin Project for the irrigation of land owned or served by the Contractor as described as follows:

- 0. 9 acres, NE1/4 NE1/4, Section 12, T. 16 S., R. 4 W., W.M.
- 0. 82 acres, NW1/4 NE1/4, Section 12, T. 16 S., R. 4 W., W.M.
- 0. 82 acres, SW1/4 NE1/4, Section 12, T. 16 S., R. 4 W., W.M.
- 2.66 acres, SE1/4 NE1/4, Section 12, T. 16 S., R. 4 W., W.M.

Of the land described, not more than 5.2 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 13 acre-feet of stored water annually, measured at the point of delivery of said water.

**PAYMENTS FOR WATER**

6. (a) An annual payment of \$104 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$104 will be due on or before March 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive up to a maximum of 13 acre-feet of stored water for irrigation of the lands described above. The Contracting Officer will consider adjusting the water service payment downward based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water diverted each month by the

Contractor during the irrigation season and on other factors in addition to the amount of stored water actually released, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted from the payment for the next year, or refunded if the contract is no longer in effect, by the Contracting Officer; Provided, that in order for an adjustment to be made, information on the amounts of stored water diverted each month must be received in writing by the Contracting Officer by December 1 of that year.

(b) The annual payment set forth in (a) above is based on an initial rate of \$ 8 per acre-foot of stored water; Provided, that such annual payment shall at a minimum be the greater of either the product of \$ 2 multiplied by the number of acres described in Article 5 of this contract or \$ 50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the Contracting Officer for the irrigation water marketing program of the Willamette River Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

(e) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 17 of this contract.

#### **CONTRACT ADMINISTRATION FEES**

7. The Contractor shall incur a fee for all future contract and inspection actions, including but not limited to new contracts, contract amendments, supplements, assignments and inspection of Contractor diversions. Prior to any future action and/or inspection, the fee will be determined by the Contracting Officer and shall be sufficient to cover such costs incurred by the United States and cost of contractors of the United States in the performance of the above activities.

#### **CHARGES FOR DELINQUENT PAYMENTS**

8. (a) The Contractor shall be subject to interest and administrative and penalty charges on delinquent payments. If a payment is not received by the due date, the Contractor shall pay an interest charge on the delinquent payment for each day the payment is delinquent beyond the due date. If a payment becomes 60 days delinquent, in addition to the interest charge, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. If a payment is delinquent 90 days or more, in addition to the interest and administrative charges, the Contractor shall pay a penalty charge for each day the payment is delinquent beyond the due date, based on the remaining balance of the payment due, at the rate of 6 percent per year. The Contractor shall also pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments or the interest rate of 0.5 percent per month. The interest charge rate will be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty charges, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

#### **RELEASE OF WATER**

9. (a) Upon payment of the charges specified in Article 6 above, the United States will release water from the Willamette River Basin Project pursuant to this contract. No water shall be released if the Contractor is delinquent in payment of the required annual payments or fish screen requirements are not met.

(b) Water diverted pursuant to this contract shall be measured at the following point(s) of diversion in accordance with Oregon State law:

1670 feet south and 1290 feet west of northeast corner of Section 14,  
T. 16 S., R. 4 W., W.M.

The Contractor shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. Water so diverted shall be measured by means of measuring and controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, maintained and/or modified as necessary by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) The Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule as to the time of water diversions. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow him/her to adjust releases to meet the new schedules. The Contractor shall be required to conform its diversions and releases to the control of the stream as established by the watermaster and/or the United States.

(d) The Contractor hereby acknowledges Reclamation's authority to conduct periodic contract compliance reviews in accordance with Reclamation Manual Policy, *Periodic Review of Water Deliveries with Respect to Contract Terms* (WTR P08), and Reclamation Manual Directives and Standards, *Periodic District Reviews of Water Deliveries with Respect to Contract Terms – Processing for Resolving Unauthorized Use* (WTR 08-01).

## **CONSTRAINTS ON THE AVAILABILITY OF WATER (WATER SHORTAGES)**

10. In its operation of the Project, the United States will use all reasonable means to guard against a Condition of Shortage in the quantity of water to be made available to the Contractor pursuant to this Contract. In the event the United States determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States, or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom.

## **SPECIAL CONDITIONS**

11. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 5. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and shall provide written verification of such agreements to the Contracting Officer. The obligation of the United States to release water under this contract is subject to an operating plan for the Willamette River Basin Project determined in accordance with the laws governing the project and other applicable federal laws, including the Endangered Species Act (ESA).

(b) In the event the Contractor is not now a member of an irrigation district, water supply company, or other water user organization, this contract shall be terminated and water service hereunder shall cease when stored water is made available to the lands described in Article 5 by such an organization to serve these and other lands presently irrigated or planned for irrigation in future years from the Willamette River Basin Project.

(c) In the interests of conservation and protection of environmental resources, from time to time, but not less often than once every 5 years or when requested in writing by either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS), this contract

shall be reviewed by the Contracting Officer. The terms and conditions of this contract, including the amount of stored water provided hereunder, may be modified or the contract terminated as determined by the Contracting Officer, to avoid or minimize impacts to species and/or critical habitat that are proposed, listed, or designated under the ESA, or to other valuable natural resources. Any termination of or modification to the contract by the Contracting Officer shall be announced by written notice to the Contractor.

(d) At the Contractor's point of diversion, fish screen(s) and/or fish passage structure(s), approved by NMFS or its designee, shall be installed, operated, and maintained in good operating condition by and at the expense of the Contractor, but shall remain at all times available for inspection by the United States and the State of Oregon, whose representatives may at all times have access to them over any lands of the Contractor. Provided; as a condition of the continued release of water, every five to seven years, the Contractor must re-confirm that their diversion(s) are still in conformance with NMFS design guidelines. Provided further; in the event that requirements for fish passage structures and/or fish screening are changed by either the State or Federal fisheries agencies after initial compliant installation by the Contractor, the Contractor shall bring its diversion into compliance with the new requirements within a timeframe established by the Contracting Officer or the applicable State and Federal fisheries agency.

### **TERM OF CONTRACT**

12. This contract shall become effective as of the date first above written and will continue in effect for a period of 40 years unless sooner terminated in accordance with the provisions of Article 13 or by agreement of the parties hereto: Provided; that upon expiration of the 40-year term, renewals may be made by the Secretary of the Interior for successive periods not to exceed 40 years and under terms and conditions mutually agreeable to the parties hereto: Provided further; that the terms and conditions of each renewal shall be negotiated in light of circumstances



prevailing at the time of renewal and agreed upon not later than 1 year prior to the expiration of the then existing contract.

### **TERMINATION OF CONTRACT**

13. (a) The United States may terminate this contract and water service hereunder shall cease if the Contractor is delinquent in payment of the water service payment for a period of 90 days or upon failure of the Contractor to abide by the terms and conditions of this Contract, or by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

(b) The United States may terminate this contract and water service hereunder shall cease if a decision is reached by a Court of competent jurisdiction requiring termination of water delivery under this contract.

(c) Water service hereunder may cease, in whole or in part, if the contract water source becomes unavailable as required by, or due to the application of, federal law, including but not limited to, the Endangered Species Act.

### **HOLD HARMLESS AND INDEMNIFICATION**

14. To the extent permitted by law, the Contractor shall indemnify, defend, and hold harmless the United States and Reclamation, and their officers, employees, and agents, from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any character (hereinafter collectively referred to as "claims") that result from, arise out of, or relate to the quality or quantity of water released pursuant to this contract, including but not limited to claims by patrons or others in privity with the Contractor related to the settlement or adverse results of litigation brought against the United States or Reclamation by third parties. The Contractor does not agree to indemnify the United States for any damages arising from intentional torts or malicious actions committed by employees of the United States.

### **TITLE TO PROJECT WORKS**

15. Title to all of the Willamette River Basin Project and associated works shall be and remain in the United States until otherwise provided for by the Congress.

### **DISCLAIMER**

16. No provision of this contract, nor the release of water hereunder, shall confer on the Contractor a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willamette River Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. The United States assumes no responsibility or liability for any taking of endangered or threatened species at the Contractor's point(s) of diversion arising from the Contractor's diversion and use of water released under this contract.

Further, the United States shall not be liable for any acts or omissions of the Contractor or its agents or of persons for whom water is released.

### **NOTICES**

17. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Repayment and Acreage Limitation, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, ID 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Christine Donahue, 30920 Lanes Turn Rd., Eugene, OR 97408. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

## GENERAL PROVISIONS

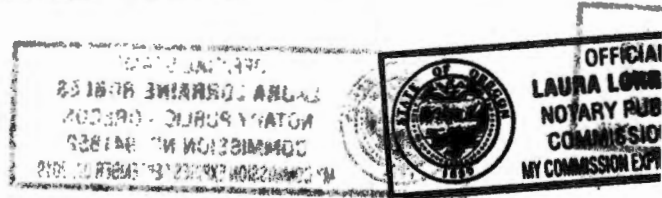
18. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

- a. CHARGES FOR DELINQUENT PAYMENTS
- b. GENERAL OBLIGATION—BENEFITS CONDITIONED UPON PAYMENT
- c. CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS
- d. OFFICIALS NOT TO BENEFIT
- e. CHANGES IN CONTRACTORS ORGANIZATION
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. BOOKS, RECORDS, AND REPORTS
- h. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- i. PROTECTION OF WATER AND AIR QUALITY
- j. WATER CONSERVATION
- k. EQUAL EMPLOYMENT OPPORTUNITY
- l. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- m. PRIVACY ACT COMPLIANCE
- n. MEDIUM FOR TRANSMITTING PAYMENTS
- o. CONTRACT DRAFTING CONSIDERATIONS

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

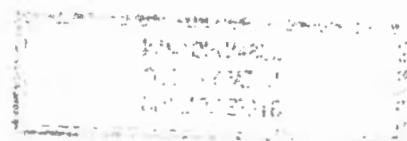
**CONTRACTOR**

By: Christine T. Donahue  
Christine T. Donahue



**UNITED STATES OF AMERICA**

By: Ryan M. Patterson  
Program Manager  
Repayment and Acreage Limitation  
PN Region  
Bureau of Reclamation  
1150 N. Curtis Road  
Boise, ID 83706-1234



STATE OF Oregon )  
 : SS  
County of Lane )

On this 14<sup>th</sup> day of November, 2016, before me, a notary public, personally appeared Christine Triebel Donahue known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that she is the legal owner of the property for which a water supply is to be provided under the contract and has executed this contract as her free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Laura L. Robles

Notary Public in and for the  
State of Oregon

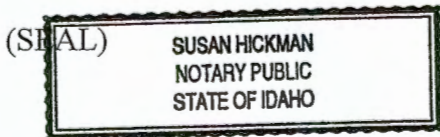
Residing at: US Bank Coburg Crescent Branch  
My commission expires: 09/02/2019

\*\*\*\*\*

STATE OF IDAHO )  
 : SS  
County of Ada )

On this 7 day of December, 2016, personally appeared before me Ryan M. Patterson, known to me to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Susan Hickman

Notary Public in and for the  
State of IDAHO

Residing at: Meridian  
My commission expires: 1-7-2022

**GENERAL PROVISIONS --- WILLAMETTE BASIN PROJECT**

CHARGES FOR DELINQUENT PAYMENTS

(a). (1) The Contractor shall subject to interest, administrative, and penalty charges on delinquent payments. If a payment is not received by the due date, the Contractor shall pay an interest charge on the delinquent payment for each day the payment is delinquent beyond the due date. If a payment becomes 60 days delinquent, in addition to the interest charge, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. If a payment is delinquent 90 days or more, in addition to the interest and administrative charges, the Contractor shall pay a penalty charge for each day the payment is delinquent beyond the due date, based on the remaining balance of the payment due at the rate of 6 percent per year. The Contractor shall also pay any fees incurred for debt collection services associated with a delinquent payment.

(2) The interest charge rate shall be the greater of either the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments or the interest rate of 0.5 percent per month. The interest charge rate will be determined as of the due date and remain fixed for the duration of the delinquent period.

(3) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty charges, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

GENERAL OBLIGATION--BENEFITS CONDITIONED UPON PAYMENT

(b). (1) The obligation of the Contractor to pay the United States as provided in this contract is a general obligation of the Contractor notwithstanding the manner in which the obligation may be distributed among the Contractor's water users and notwithstanding the default of individual water users in their obligation to the Contractor.

(2) The payment of charges becoming due pursuant to this contract is a condition precedent to receiving benefits under this contract. The Contractor shall not deliver water under the terms and conditions of this contract for lands or parties that are in arrears in the advance payment of water rates as levied or established by the Contractor.

CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS

(c). The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

(d). No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

### CHANGES IN CONTRACTOR'S ORGANIZATION

(e). While this contract is in effect, no change may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATION

(f). The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

### BOOKS, RECORDS, AND REPORTS

(g). The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's financial transactions; water supply data; project operation, maintenance, and replacement logs; project land and rights-of-way use agreements; the water users' land-use (crop census), land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

### COMPLIANCE WITH FEDERAL RECLAMATION LAWS

(h). The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa *et seq.*), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

### PROTECTION OF WATER AND AIR QUALITY

(i). (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: *Provided, That* the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

#### WATER CONSERVATION

(j). Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop a water conservation plan, as required by Section 210(b) of the Reclamation Reform Act of 1982 and 43 C.F.R. 427.1 (Water Conservation Rules and Regulations).

#### EQUAL EMPLOYMENT OPPORTUNITY

(k). During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended (EO 11246), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of EO 11246, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by EO 11246, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in EO 11246, and such other sanctions may be imposed and remedies invoked as provided in EO 11246, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.



(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of EO 11246, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

(l). (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (Pub. L. 93-112, Title V, as amended; 29 U.S.C. § 791, et seq.), the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. § 6101, et seq.), [Title II of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12131, et seq.),] [Title III of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12181, et seq.),]2 and any other applicable civil rights laws, and with the applicable implementing regulations and any guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

#### PRIVACY ACT COMPLIANCE

(m). (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (43 U.S.C. §§ 390ff, 390ww, and 390zz), and pursuant to 43 C.F.R. § 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (a) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

#### MEDIUM FOR TRANSMITTING PAYMENTS

(n). (1) All payments from the Contractor to the United States under this contract shall be by the medium requested by the United States on or before the date payment is due. The required method of payment may include checks, wire transfers, or other types of payment specified by the United States.

(2) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

#### CONTRACT DRAFTING CONSIDERATIONS

(o). This Contract has been, negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains. Articles 1 through 17 of this Contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.

# Mailing List for FO

Scheduled Mailing Date:

**Application:** S-88259

**Permit:** DRAFT

**Original mailed to Applicant with CBU form:**

CHRISTINE T. DONAHUE  
30920 LANES TURN RD  
EUGENE OR 97408

**Copies of FO sent to:**

1. File S-88259
2. WRD-Hydrographics

**Copies of Map sent to (remember to reduce copy margins):**

1. Watermaster District 2, Michael J. Mattick

<p style="text-align: center;"><b>Copies Mailed</b></p> <p>by: <u>SP</u> (STAFF)</p> <p>on: <u>10-27-16</u> (DATE)</p>
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**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON**

In the Matter of Water Rights Application            )  
S-88259, Lane County                                    )

FINAL ORDER  
APPROVING THE USE OF  
STORED WATER

**Authority**

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. OAR Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water.

**Findings of Fact**

1. On July 11, 2016, CHRISTINE T. DONAHUE submitted an application for a water-use permit pursuant to ORS 537.147.
2. The Department provided public notice of the application in the Department's weekly public notice on July 19, 2016. A 30-day comment period followed.
3. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

**Conclusions of Law**

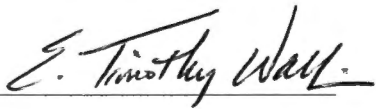
Application S-88259 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

**Now Therefore, it is Ordered:**

Application S-88259 is approved pursuant to ORS 537.147. **Upon submittal of a valid and executed contract with Bureau of Reclamation, a permit shall be issued authorizing the proposed water use.** Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

*If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.*

Dated at Salem, Oregon on OCTOBER 27 2016.



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This order was produced by Scott Grew. If you have any questions about any of the statements contained in this document, I can be reached at 503-986-0899 or [scott.a.grew@wrд.state.or.us](mailto:scott.a.grew@wrд.state.or.us).

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF LANE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

CHRISTINE T. DONAHUE  
30920 LANES TURN RD  
EUGENE OR 97408

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88259

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS RESERVOIR  
CONSTRUCTED UNDER PERMIT R-5363, TRIBUTARY TO WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 5.2 ACRES

MAXIMUM VOLUME: 13.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: JULY 11, 2016

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

**Authorized Point of Re-Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	4 W	WM	14	SE NE	1670 FEET SOUTH AND 1290 FEET WEST FROM NE CORNER, SECTION 14

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	4 W	WM	14	NE NE	0.90
16 S	4 W	WM	14	NW NE	0.82
16 S	4 W	WM	14	SW NE	0.82
16 S	4 W	WM	14	SE NE	2.66

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of re-diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report

general water-use information, the periods of water use and the place and nature of use of water under the permit.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

The use of water under this right is subject to the terms and conditions of contract No. XXXX, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
8. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued \_\_\_\_\_ 2016

## DRAFT – NOT A PERMIT

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E. Timothy Wallin, Water Rights Program Manager  
*for* Thomas M. Byler, Director



# Expedited Secondary Final Order Checklist

Application #: S-88259 Applicant: CHRISTINE DONAHUE

- Requested Use/Rate/Season IR 5.2AC 13 AF March 1 - Oct 31
- Allowed Use/Rate/Season IR 5.2AC 13 AF March 1 - Oct 31 Duty 2.5 AF/yr
- Noticed on 7/19/16 Comment Deadline 8/18/16
- Electronic/written comments?  No  Yes \_\_\_\_\_ Comment eval?  N/A  No  Yes
- Were there any comments that raise a public interest described in ORS 537.170(8)?  No  Yes; issue a PFO
- Conditions  Medium Totalizing < 100 AF  Large Totalizing ≥ 100 AF  
Use "Large" for temp control (including NU), or when the applicant is a government entity

Other Conditions: \_\_\_\_\_

- Is water available and legally stored?  No  Yes Permit #: R-5363
- Reservoir Name BLUE RIVER WBAR
- Storage contract  NA  ABOR  Doug Co  Corp of Eng  needed  obtained # \_\_\_\_\_
- Land use  allowed outright  not allowed  being pursued  county notified  NA
- POU conflict  NA  No  No, different sources  No, make up a deficiency in rate  No, existing not at max. rate  
 Yes \_\_\_\_\_
- Use is supplemental, checked for primary rights w/ diff source  NA  Yes limits \_\_\_\_\_
- App w/in a District boundary  No  Yes, cc: \_\_\_\_\_
- MU or QM  NA  will complete construction within 20 years  
 Lisa reviewed recommendations \_\_\_\_\_
- Authorized agent specified  NA  Yes \_\_\_\_\_
- Copy to  SWR  WM # 2  a.l.o. \_\_\_\_\_  
 NCR  agent  a.l.o. \_\_\_\_\_  
 CWRE
- city \_\_\_\_\_  
(w/in 5-mile muni wells)

Application #: S-88259 Applicant: CHRISTINE DONAHUE

Fees

<u>Base Fee</u>	<u>Water Amount (Q)</u>		
\$450	<u>13</u> AF up to 20 AF @ \$30/af	=	<u>390</u>
	___ AF at \$1 each	=	___
<hr/>			
<u>450</u>		+	<u>840 390</u>
(base)		(Q)	= <u>1290 840</u> (total exam fee)

EXAM FEE REQUIRED	<u>1290</u>	RECORDING FEE REQUIRED	\$450
EXAM FEE PAID	<u>1290</u>	RECORDING FEE PAID	<u>0 450</u>
STILL OWED	<u>0</u>	STILL OWED	<u>450 0</u>

App/map meet **min. req**  Yes  No  ALO info  map  legal  
 (If no, don't do an FO yet; send a certified letter.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_ FO w/ permit # \_\_\_\_\_

FO w/ draft permit; still needed:

- fees - PAID
- \_\_\_ easement
- contract
- \_\_\_ land use

Name: Scott

Date: 10/5/16  
9/29/2016

Peer Reviewer: \_\_\_\_\_

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.



## Point of Diversion Characteristics

Right:	App: S 88259 *
Name:	CHRISTINE DONAHUE

**TRSQQ: 16.00S-04.00E-16-SESE**

County: Lane  
 Basin: Willamette  
 WM District: 2  
 WM Region: NW  
 Withdrawn Area:  
     WAB: BLUE R > MCKENZIE R - AT MOUTH (530)  
 Priority WAB: BLUE R @ mouth (OWRD: Poor, ODFW: Poor) (530)  
 Rule 4D: Rules apply  
 Groundwater Restricted Area:  
     Scenic Water Way:  
         Division 33: LOWER COLUMBIA  
 Water Quality Limited: Yes

**TRSQQ: 16.00S-04.00W-14-SENE**

County: Lane  
 Basin: Willamette  
 WM District: 2  
 WM Region: NW  
 Withdrawn Area:  
     WAB: WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174 (30200321)  
 Priority WAB: WILLAMETTE R @ 14174000 (OWRD: Poor, ODFW: Moderate) (14174000)  
 Rule 4D: Rules apply  
 Groundwater Restricted Area:  
     Scenic Water Way:  
         Division 33: LOWER COLUMBIA  
 Water Quality Limited: Yes

**TRSQQ: 16.00S-05.00E-31-SESE**

County: Lane  
 Basin: Willamette  
 WM District: 2  
 WM Region: NW  
 Withdrawn Area:  
     WAB: S FK MCKENZIE R > MCKENZIE R - AT MOUTH (531)  
 Priority WAB: S FK MCKENZIE R @ mouth (OWRD: Poor, ODFW: Moderate) (531)  
 Rule 4D: Rules apply  
 Groundwater Restricted Area:  
     Scenic Water Way: ABOVE The McKenzie Scenic Waterway  
         Division 33: LOWER COLUMBIA  
 Water Quality Limited: Yes

**TRSQQ: 19.00S-01.00W-01-NESW**

County: Lane  
 Basin: Willamette  
 WM District: 2  
 WM Region: NW  
 Withdrawn Area:  
     WAB: FALL CR > M FK WILLAMETTE R - AT MOUTH (537)  
 Priority WAB: FALL CR @ mouth (OWRD: Fair, ODFW: Moderate) (537)  
 Rule 4D: Rules apply  
 Groundwater Restricted Area:  
     Scenic Water Way:  
         Division 33: LOWER COLUMBIA  
 Water Quality Limited: Yes

**TRSQQ: 19.00S-01.00W-13-NWSE**

County: Lane  
Basin: Willamette  
WM District: 2  
WM Region: NW  
Withdrawn Area:  
WAB: M FK WILLAMETTE R > WILLAMETTE R - AT MOUTH (535)  
Priority WAB: M FK WILLAMETTE R @ mouth (OWRD: Fair, ODFW: Poor) (535)  
Rule 4D:  
Groundwater Restricted Area:  
Scenic Water Way:  
Division 33: LOWER COLUMBIA  
Water Quality Limited: Yes

**TRSQQ: 20.00S-02.00W-32-NWSE**

County: Lane  
Basin: Willamette  
WM District: 2  
WM Region: NW  
Withdrawn Area:  
WAB: ROW R > COAST FK WILLAMETTE R - AT MOUTH (534)  
Priority WAB: ROW R @ mouth (OWRD: Poor, ODFW: High) (534)  
Rule 4D: Rules apply  
Groundwater Restricted Area:  
Scenic Water Way:  
Division 33: LOWER COLUMBIA  
Water Quality Limited: Yes

**TRSQQ: 21.00S-03.00E-35-NENW**

County: Lane  
Basin: Willamette  
WM District: 2  
WM Region: NW  
Withdrawn Area:  
WAB: M FK WILLAMETTE R > WILLAMETTE R - AB N FK M FK WILLAMETTE R (536)  
Priority WAB: M FK WILLAMETTE R ab N FK M FK WILLAMETTE R (OWRD: Poor, ODFW: Poor) (536)  
Rule 4D:  
Groundwater Restricted Area:  
Scenic Water Way:  
Division 33: LOWER COLUMBIA  
Water Quality Limited: Yes

**TRSQQ: 21.00S-03.00W-28-SENE**

County: Lane  
Basin: Willamette  
WM District: 2  
WM Region: NW  
Withdrawn Area:  
WAB: COAST FK WILLAMETTE R > WILLAMETTE R - AB ROW R (533)  
Priority WAB: C FK WILLAMETTE R ab ROW R (OWRD: Poor, ODFW: Moderate) (533)  
Rule 4D: Rules apply  
Groundwater Restricted Area:  
Scenic Water Way:  
Division 33: LOWER COLUMBIA  
Water Quality Limited: Yes



## Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: S 88259 \*

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres	
<del>CLAIM:GR 102 *</del>	EDWARD A GENT					4/15/1946	NC	<del>DO</del>	16.00S-04.00W-14-NWNE				
								<del>DO</del>	16.00S-04.00W-14-NENE				
<del>CLAIM:SW 354 *</del>	CITY OF EUGENE; WATER AND ELECTRIC BOARD					11/3/1886	NC	<del>F4</del>	16.00S-04.00W-14-SWNE			0.0000	
								<del>F4</del>	16.00S-04.00W-14-SENE			0.0000	
<del>CLAIM:GR 102 *</del>	EDWARD A GENT					4/15/1946	NC	<del>IR</del>	16.00S-04.00W-14-NWNE			5.6500	
								<del>IR</del>	16.00S-04.00W-14-NENE			11.0000	
<del>CLAIM:GR 408 *</del>	D J CALVERT					12/31/1936	NC	<del>IR</del>	16.00S-04.00W-14-NENE			1.5000	
						12/31/1947	NC	<del>IR</del>	16.00S-04.00W-14-NENE			3.0000	
<del>CLAIM:GR 1826 *</del>	JAMES E DETERING					4/30/1945	NC	<del>IR</del>	16.00S-04.00W-14-NWNE			1.0000	
<del>CLAIM:GR 1827 *</del>	JAMES E DETERING					12/31/1929	NC	<del>IR</del>	16.00S-04.00W-14-NENE			25.0000	
<del>CERT:38120 OR *</del>	MORRIS L GRAHAM	G-4107	G-3855	38120	10/13/1967	NC	<del>IR</del>	16.00S-04.00W-14-NENE		14		1.1000	
								<del>IR</del>	16.00S-04.00W-14-SENE		3		2.6000
<del>CERT:48159 OR *</del>	THOMAS J HARPER	G-7206	G-6633	48159	1/5/1976	NC	<del>IR</del>	16.00S-04.00W-14-SWNE		11		3.5800	
<del>CERT:84115 OR *</del>	AUDREY FARVER	G-12084	G-11559	84115	4/24/1990	NC	<del>IR</del>	16.00S-04.00W-14-NWNE		13		7.4000	
<del>CERT:89492 OR *</del>	WALLACE GLEN DETERING	G-12851	G-12212	89492	4/2/1992	NC	<del>IR</del>	16.00S-04.00W-14-NWNE		16		0.4000	
								<del>IR</del>	16.00S-04.00W-14-NENE		15		4.5000

# Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

Yes  No

Application S-~~8527~~ 89259 County Clatsop Priority Date 7-11-16

Township 16S Range 4N Section 14

Amount 13 AF Use Irrig WM Dist. # 2

Applicant Name CHRISTINE DOMATEC

Receipt No. 120472 Caseworker Assigned:  Barbe  Kim  Lisa

Contact info: Applicant/Organization Name and Mailing Address

Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).

Property ownership: Does the applicant own all the land for the proposed project? (Y) / N

If No:

The affected landowner's name and mailing address must be listed N/A

A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted. N/A

For a SW Application: Source of water must be indicated.

If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).

If for stored water not under contract, is the source authorized under a permit, certificate, or decree? N/A  
Permit or Certificate issued? Y / N Permit or Certificate # \_\_\_\_\_

For a GW Application: Well Development Tables completed and/or a well log report included (if existing) N/A

Proposed water use

Amount of water from each source in GPM, CFS, or AF

Period of use indicated

If for supplemental irrigation, primary acreage or underlying permit or certificate number listed (Primary and Supplemental Irrigation counts as 2 uses) N/A

Water Management Section (Estimates if the water system has not been designed)

Resource Protection Section (N/A for Groundwater)

For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir. N/A

Project schedule (If system is already completed, indicate "existing.")

- Supplemental data sheets enclosed (if needed)
  - Form M (Municipal or Quasi-Municipal)
  - Spring Description Sheet (if source is a spring)
- A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*
- A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.
- The proposed source IS IS NOT (circle one) restricted or withdrawn from further appropriation. *NOTE: If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.*
- The **map** must meet all the minimum requirements of OAR 690-310-0050.
  - Township, Range, Section
  - Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
  - Place of use, 1/4-1/4's and tax lot clearly identified
  - Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
  - Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
  - Reference corner on map
  - North Directional Symbol
  - Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture
  - For a standard reservoir application to store  $\geq 9.2$  acre feet AND having a dam height  $\geq 10$  feet, map must be prepared by a CWRE

<b>Fees:</b>			
Base Fee	\$ <u>450</u>	Permit Recording Fees	\$ <u>450</u>
1 <sup>st</sup> CFS @ \$300	\$ _____	Mitigation Fee	\$ _____
___ add'l CFS @ \$300 ea	\$ _____	Rec Fee Total	\$ _____
<u>13</u> AF up to 20 AF @ \$30 ea	\$ <u>390</u>	Rec Fee Paid	\$ _____
___ add'l AF @ \$1 ea	\$ _____		
___ add'l <input type="checkbox"/> pod/poa <input type="checkbox"/> use @ _____ ea	\$ _____		
___ add'l res @ \$125 ea	\$ _____		
Exam Fee Total	\$ _____	Total Fees	\$ <u>1290</u>
Exam Fee Paid	\$ _____	Paid	\$ _____
		Amount Due	\$ <u>1290</u>

Reviewed by: Lauren W. Date: 7-12-16

# 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.wrd.state.or.us

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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

JUN 03 2016  
SALEM, OR

NAME CHRISTINE T. DONAHUE		PHONE (HM) 541-3442803	
PHONE (WK) SAME	CELL 541-517-0080	FAX 541-344-2804	
ADDRESS 30920 LANES TURN RD			
CITY EUGENE	STATE OR	ZIP 97408	E-MAIL * CHRISDONAHUE66@GMAIL.COM

### Organization Information

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

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

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JUL 11 2016

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

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the 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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 get 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 get water to which they are entitled.



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

*Christine T. Donahue*      Christine T. Donahue      5/6/16  
Applicant Signature      Print Name and title if applicable      Date

\_\_\_\_\_  
Applicant Signature      Print Name and title if applicable      Date

Revise	App. No. <u>5-88217</u>	For Department Use Permit No. _____	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.

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Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

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No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

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List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

\_\_\_\_\_

*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:

Source 1: BOR Contract Water

Tributary to: Willamette River

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Source 2: \_\_\_\_\_

Tributary to: \_\_\_\_\_

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Source 3: \_\_\_\_\_

Tributary to: \_\_\_\_\_

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Source 4: \_\_\_\_\_

Tributary to: \_\_\_\_\_

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**B. Applications to Use Stored Water**

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

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

S-88259

If *all* sources listed in item 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: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
BOR Stored Water	Irrigation	March 1 > Oct 31	13 <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

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 5.2 Acres                      Supplemental: \_\_\_\_\_ Acres  
 List 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: \_\_\_\_\_

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- 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:  
 \_\_\_\_\_

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S-88257

**SECTION 5: WATER MANAGEMENT**

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**A. Diversion and Conveyance**

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

Pump (give horsepower and type): Undetermined

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Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Electric pump to sprinklers

**B. Application Method**

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

Hi Pressure solid set and Big Gun

**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.

In most years I will not need this much water, but in a dry year, if I have a high value crop, I may.

**SECTION 6: 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 to prevent uptake of fish and other aquatic life.  
Describe planned actions: Will meet ODFW standards

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: Unknown at this time, under consideration

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: Will abide by ODFW in water recommendations.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Will monitor to prevent run-off.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: January 2017

Date construction will be completed: October 2018

Date beneficial water use will begin: May, 2017

**SECTION 8: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

I have pipe and irrigation equipment on the farm that may still be of use. Otherwise will need to assemble a new system.

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S-88259

# Land Use Information Form

JUL 11 2016

SALEM, OR



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

Applicant: Christine Donahue Donahue  
First Last

Mailing Address: 30920 Lanes Turn Road  
Eugene OR 97408 Daytime Phone: 541-512-0080  
City State Zip

## 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:
16S	4W	14	SENE	301		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig.
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

LANE

## 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) \_\_\_\_\_

Estimated quantity of water needed: 13     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:

Irrigation with water released by Bureau of Reclamation

**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.

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_.

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

LANE CODE 16.212(3)(a). 'FARM USE' FOR HORSES + PASTURE OF THE PROPERTY MAY REQUIRE FLOOD PLAIN PERMITTING. AND/OR DSH + ACOR PERMITS.

Name: ERIK FORSELL Title: PLANNER

Signature: *Erik Forsell* Phone: 541.683.4054 Date: 6/6/16

Government Entity: LANE COUNTY LAND MANAGEMENT

**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**

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Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: SALEM, OR

JUL 11 2016

# CONTRACT DATA SHEET



U.S. Bureau of Reclamation  
Attn: PN-3324  
1150 North Curtis Road  
Boise, ID 83706-1234  
208-378-5344

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SALEM, OR

## RECLAMATION Managing Water in the West

### 1. Applicant Information:

#### A. Landowners

- 1) Name of landowner(s): Christine T. Donahue
- 2) Address: 30920 Lanes Turn Road
- 3) Mailing Address (if different): (same)
- 4) Taxpayer Identification Number(s): 409-54-2446  
(Social Security Number or Employer Identification Number)<sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? yes

#### B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 4) Taxpayer Identification Number: \_\_\_\_\_  
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
  - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

- 2. Source of Water (name of stream, river): Willamette River
- 3. Proposed point of diversion: 1670 feet South and 1290 feet West of NE corner of Section 14, Township 16 S, Range 4 W, Willamette Meridian.
- 4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Applying Concurrently
- 5. Include a map of lands and diversion points. *[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].*

6. Do you currently hold a right to natural flows for irrigating the property described herein? NO  
If yes, what is/are the priority date(s)? \_\_\_\_\_

7. Total quantity of water from storage requested: 13 acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
16 S	4 W	12	NE NE	0.9	
"	"	"	NW NE	.82	
"	"	"	SW NE	.82	
"	"	"	SE NE	2.66	
			Total	5.2	

9. What is the present use of the land identified above? [*farming; idle* (fallow cultivated land); *native* (appears never to have been tilled); *planted pasture or other* (please specify)].  
Pasture

10. Is the land identified above currently being irrigated? NO If yes, what is the source? (*natural flows, wells, etc.*) \_\_\_\_\_

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: will screen as required

12. Telephone number where you can be reached during the day: 541-517-0080

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE<sup>2</sup>, MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup> Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

<sup>2</sup> The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.



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JUN 03 2016

SALEM, OR

Lane County Clerk  
Lane County Deeds and Records

2014-026242



\$47.00

01444165201400262420010012

07/09/2014 11:06:55 AM

RPR-DEED Cnt=1 Stn=1 CASHIER 05  
\$5.00 \$11.00 \$21.00 \$10.00

AFTER RECORDING RETURN TO:

UNTIL A CHANGE IS REQUESTED,  
MAIL ALL TAX STATEMENTS TO:

LEE J. JUDY, P.C., Attorney at Law  
399 E. 10<sup>th</sup> Avenue, Suite 105  
Eugene, OR 97401

CHRISTINE DONAHUE, Trustee  
110 Westbrook Way  
Eugene, OR 97405

**WARRANTY DEED**

CHRISTINE DONAHUE, "Grantor," hereby conveys and warrants to the D. CHRISTINE DONAHUE REVOCABLE LIVING TRUST under agreement dated July 2<sup>nd</sup>, 2014, including any amendments thereto, or to such Successor Trustee(s) of such Trust created under such instrument as may hereafter be appointed, "Grantee," the following real property, free of encumbrances except for matters of public record:

Lot 32, FIRST ADDITION TO EDGEWOOD TOWNEHOUSES, a replat of a portion of Tract B EDGEWOOD WEST AND EDGEWOOD TOWNEHOUSES, as platted and recorded in Book 59, Page 19, Lane County Oregon Plat Records, in Lane County, Oregon.

Commonly known as: 110 Westbrook Way, Eugene, OR 97405

Tax Acct. # 1020807

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.

The true consideration for this conveyance is correct vesting.

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Dated: July 2, 2014.

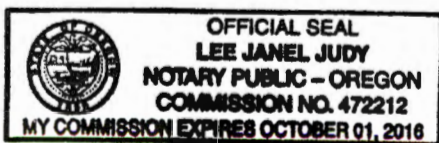
*Christine Donahue*  
CHRISTINE DONAHUE, Grantor

JUL 11 2016

SALEM, OR

STATE OF OREGON, County of Lane ) ss.

The foregoing instrument was acknowledged before me on July 2<sup>nd</sup>, 2014, by CHRISTINE DONAHUE, Grantor.



*Lee J. Judy*  
Notary Public for Oregon

S-88259

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JUN 03 2016

SALEM, OR

Dear Customer Service Group :

This application has received our assistance here in Watermaster District 2.

by Michael Mattick Phone # 541 682-3620  
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- Application
- Map
- Other Land Use

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JUL 11 2016

SALEM, OR

*Called*

5-88259

# 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.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

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### Attachments:

- Land Use Information Form with approval and signature (*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. *- Deed*
- Fees - Amount enclosed: \$  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

Provide a map and check that each of the following items is included: RECEIVED BY OWRD

- 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 well, and/or dam if applicable, 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 clearly identified
- 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)
- Other:

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SALEM, OR

5-88219



Oregon Water Resources Department  
Permit to Appropriate Only Stored Water - Expedited Secondary

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

Today's Date: Monday, June 06, 2016

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	13	\$390.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<a href="#">Recalculate</a>	
Estimated cost of Permit Application		\$1,290.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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 JUL 11 2016  
 SALEM, OR



Oregon Water Resources Department  
Permit to Appropriate Only Stored Water - Expedited Secondary

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

Today's Date: Friday, May 06, 2016

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	13	\$390.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,290.00

[OWRD Fee Schedule](#)

Fee Calculator Version: B20130709

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SALEM, OR

5-88259

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **120472**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Christine T Donahue

APPLICATION	<u>S-88259</u>
PERMIT	
TRANSFER	

BY: \_\_\_\_\_

CASH:  CHECK: #  3087 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 1,290.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES		\$
OTHER: (IDENTIFY)		\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>		<u>46111</u>	
0407 COPY & TAPE FEES		\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	
<b>WATER RIGHTS:</b>			
0201 SURFACE WATER	EXAM FEE	\$ <u>840.00</u>	0202 RECORD FEE \$ <u>450.00</u>
0203 GROUND WATER		\$	0204 \$
0205 TRANSFER		\$	
<b>WELL CONSTRUCTION</b>			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		\$	0220 \$
OTHER (IDENTIFY)			

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **120472**

DATED: 7-11-16 BY: Carlos Turner