



www.roseburg.com

PO Box 288
Dillard, Oregon 97432
Tel: 1-800.245.1115

July 16, 2024

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
Certified Mail Receipt No.: 7014 2870 0001 4639 2172

Re: **Limited Water Use License Application**
Roseburg Forest Products – Dillard & Riddle Facilities

Dear Sir or Madam:

Please see the enclosed Application for a Limited Water Use License requesting authorization for the Roseburg Forest Products – Dillard and Riddle facilities to use water as outlined in the enclosed Contract for Purchase of Industrial-Commercial or Multiple Purpose Water from Galesville Water Project beginning on May 29, 2023 and ending on December 31, 2024.

The application includes the following documents:

- Water Availability Statement provide via email by the Douglas Co. Watermaster
- Land Use Information Forms signed off by Douglas County Planning for each location (one for Dillard and one for Riddle)
- Limited License Application fee payment - \$310 (\$280 base fee + \$30 for 2nd diversion)
- A copy of the previous recorded Limited License for 2023, and
- A copy of the Contract for Purchase of Industrial-Commercial or Multiple Purpose Water from Galesville Project.

If you have questions or require additional information to record the 2024 License, please contact me at (541) 679-2695 or nathanw@rfpco.com.

Sincerely,

Nathan C. Webb
Sr, Environmental Engineer

Enclosures

Received

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MAKING LIVES BETTER FROM THE GROUND UP.™

LL-1985



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for Limited Water Use License

License No.: LL-1985

Applicant Information

| | | | |
|----------------------------------|----------------------|--------------|---------------------------------|
| NAME Roseburg Forest Products | | PHONE (HM) | |
| PHONE (WK) 541-679-2136 | CELL 541-580-0176 | FAX | |
| ADDRESS PO Box 288 | | | |
| CITY Dillard | STATE OR | ZIP 97432 | E-MAIL * KristanaB@rfpco.com |

Agent Information

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

I (We) make application for a Limited License to use or store the following described surface waters or groundwater – not otherwise exempt, or to use stored water of for a use of a short-term or fixed-duration:

- SOURCE(S) OF WATER:** Galesville Reservoir a tributary of Cow Creek > South Umpqua River
- AMOUNT OF WATER** to be diverted;
 Maximum and instantaneous rate (cubic feet or gallons per minute): 1.86 cfs
 Total volume (gallons or acre-feet): 444.0 acre-feet. If water is to be used from more than one source, give the quantity from each: _____
- INTENDED USE(S) OF WATER:** (check all that apply)
 - Road construction or maintenance
 - General construction
 - Forestland and rangeland management; or
 - Other: General Industrial use at RFP Dillard and Riddle Facilities
- DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

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- PROJECT SCHEDULE:** (List day, month, and year)

Date water use will begin: 01 July 2024

Date water use will be completed: 31 Dec 2024

Months of the year water would be diverted and used: July through October

If for other than irrigation from stored water, how and where will water be discharged after use:

As per DEQ permitted discharge point

Kristana Becherer
Applicant Signature

Kristana Becherer, W. Region Env. Mgr.
Print Name and title if applicable

6-20-24
Date

PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is **\$280** for the first point of diversion plus **\$30** for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

Failure to provide any of the required information will result in return of your application. The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

**A summary of review criteria and procedures that are generally applicable to these applications is available at:
<http://www.oregon.gov/owrd/pages/pubs/forms.aspx>*

Mapping Requirements (OAR 690-340-0030):

- (1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:
 - a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
 - ii. The general course of the source for the proposed use, if applicable;
 - iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

REMARKS:

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For WRD Use Only

This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Roseburg Forest Products Limited License Number: LL-1985

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain:

Regulated annually for ISWR and senior rights. Limited License is for stored water from Galesville Reservoir.

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

Galesville stored water.

3. Do you observe this stream system during regular fieldwork?

Yes No

If yes, what are your observations for the stream?

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

ODFW approved fish screen and totalizing flow meter.

5. Any other recommendations you would like to make?

Signature 

WM District #: 15

Date: 5/6/2024

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Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



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

Applicant: Roseburg Forest Products c/o Kristana Becherer, Mgr. Env Permitting
First Last

Mailing Address: PO Box 288

Dillard OR 97432 Daytime Phone: 541-580-0176
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: |
|--------------|-------|---------|------|-----------|---|--|--------------------|
| 28S | 6W | 33 | SESW | | | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | |
| See Figure 1 | | | | | | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used | |
| 30S | 6W | 26 | SESW | | | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | |
| See Figure 2 | | | | | | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used | |

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

Douglas County, Oregon

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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: 444.0 acre-feet
 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:

Refer to Attachment 1

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LUDO 2.23B.00 ; LUDO 3.3.050

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 |
| | DOUGLAS COUNTY PLANNING DEPARTMENT ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470 | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <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.

POU #2 - Riddle Facility - Zone (FG) Exclusive farm-use grazing (ME) Rural Industrial. R38378, R38386, R38362, R140057, R38010, R39346, R37954, R37946, R38354, R38314, R38322, R146045, R38330, R39370, R38338, R37914

Name: Taylor Monroe Title: Planning Technician III
 Signature: [Signature] Phone: 541-440-4289 Date: 07/11/2024
 Government Entity: Douglas County

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

Receipt for Request for Land Use Information

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

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Ludo 3.22.050, Ludo 3.5.050

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 |
| | DOUGLAS COUNTY PLANNING DEPARTMENT ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470 | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| | | <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.

POU#1 - Dillard Facility - Zone (M-3) Heavy Industrial (FF) Farm - Forest
R44089, R44121, R140056, R44520, R44129, R140445, R44695, R44716,
R44702, R44730, R44709, R65086, R65289, R65079, R65093, R65030,

Name: Taylor Monroe Title: Planning Technician III
Signature: [Signature] Phone: 541-440-4289 Date: 07/11/2024
Government Entity: Douglas County

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

Receipt for Request for Land Use Information

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

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Attachment 1: Brief Project Description

Application for Limited Water Use License

Application for limited license is made by Roseburg Forest Products (RFP) to use stored water released from the Galesville Project under contract with Douglas County ("contract water") at two facilities within the Umpqua Basin. Contract water will be used in conjunction with existing senior water rights to maintain operation of the RFP Dillard and Riddle facilities in the event the Watermaster curtails live-flow diversion under water rights with priority dates junior to the October 24, 1958 minimum perennial streamflow rights for Cow Creek and the South Umpqua River.

Place of use (POU) #1 is RFP facility in Dillard, Oregon as presented on Figure 1. The character of use is industrial. Point of diversion (POD) #1 is RFP's current POD on the South Umpqua River. Water is diverted at a pump station consisting of three pumps: two 20 HP turbine pumps and one 75 HP turbine pump. Water is conveyed approximately 300 feet from the river to the facility through a 14-inch diameter pipe equipped with a totalizing flow meter.

Place of use (POU) #2 is RFP facility in Riddle, Oregon as presented on Figure 2. The character of use is industrial. Point of diversion (POD) #2 is RFP's current POD on the Cow Creek. Water is diverted at a pump station consisting of two 20 HP turbine pumps. Water is conveyed approximately 1,650 feet from the creek to the facility through a 11-inch diameter pipe equipped with a totalizing flow meter.

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DOUGLAS COUNTY CLERK

**CONTRACT FOR PURCHASE OF INDUSTRIAL-COMMERCIAL OR MULTIPLE
PURPOSE WATER FROM GALESVILLE PROJECT**

This contract is made on April 18th, 2023 between Douglas
County, a political subdivision of the State of Oregon, ("County"), and _____
Roseburg Forest Products, ("Customer").

COUNTY AND CUSTOMER AGREE:

1. TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on May 29, 2023
and end on December 31, 2024, unless it is sooner terminated as provided herein.

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

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

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

1.3.2. Customer may elect to extend the contract term by written notice to
County within thirty days after County gives notice of the right to extend.
Concurrently with written notice of extension Customer may request the Board of
Commissioners to review and reduce the price of water in accordance with
subsection 11.4.

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

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

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

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

2. AUTHORITY OF PUBLIC WORKS DIRECTOR:

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

2.2. The Director may delegate authority to administer this contract to the Manager
of the County Public Works Department, Natural Resources Division (the Division
Manager), except for authority to establish the price of water under section 11 of this
contract. The Director shall retain the right to supersede any decision of the Division
Manager in the administration and interpretation of this contract.

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

3. WATER ALLOCATION: Each year during the term of this contract, County shall allocate 444.0 acre feet of storage capacity in the Galesville Reservoir for Customer.

4. PERMITS AND CERTIFICATES OF WATER RIGHTS:

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

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

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

5. RELEASE OF WATER:

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

5.2. County shall report to the OWRD all allocated water stored and distributed to Customer's point of diversion of record, including reasonable losses. Customer shall report all water use as described on Customer's water right of record to the County no later than November 30th each year and as may be required by the State.

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

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

6. DIVERSION AND USE OF WATER:

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

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

6.3. The water diverted by Customer may be measured by County at the point of diversion. The point of diversion shall be accessible for inspection and measurement of

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water at all reasonable times by County. Any easement necessary for County to gain access to the point of diversion shall be provided by Customer when requested by County.

6.4. The water shall be utilized for industrial-commercial or multiple purpose use. Customer shall utilize the water only for the uses and only on the real property described in Customer's permit and certificate.

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

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

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

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

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

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

11. PRICE OF WATER:

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$ 30,437.00 per year.

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

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

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

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

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

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

12. PAYMENT:

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

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

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

13. LIMITATIONS ON LIABILITY:

13.1. County shall not be liable for damages or other expenses sustained by Customer resulting from shortages in the quantity of water available for release, or interruptions in water deliveries to Customer, if such shortages or interruptions in deliveries are caused partially or entirely by hostile diversion, accidental damage to County facilities, operational failure of County facilities, or any cause beyond County's control.

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

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

14. DEFAULT:

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

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

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

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

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

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

18. NOTICES:

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

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

18.3. Notices to Customer shall be directed to: _____
Kristana Becherer, Western Region Environmental Manager
PO Box 1088, Roseburg, OR 97470

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

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

CUSTOMER

DOUGLAS COUNTY

By Kristina Becherer
Title Water Basin Erosion Mgr
Print Name Kristina Becherer
Federal ID N/A
Date 04/06/23

By Scott Adams
Scott Adams, Director of Public Works department. Authority to sign contract given by order of Board of Commissioners dated February 21, 2018.
Date 4/17/2023

Phone 541.679.2136 or 541.580.0176 cell

REVIEWED AS TO CONTENT

By [Signature]
Division Manager
Date 4-10-23
Coding 21531201-281000

REVIEWED AS TO FORM

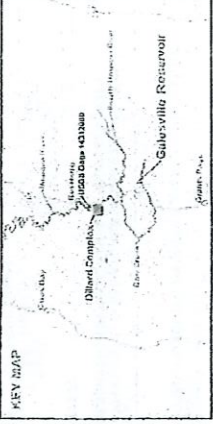
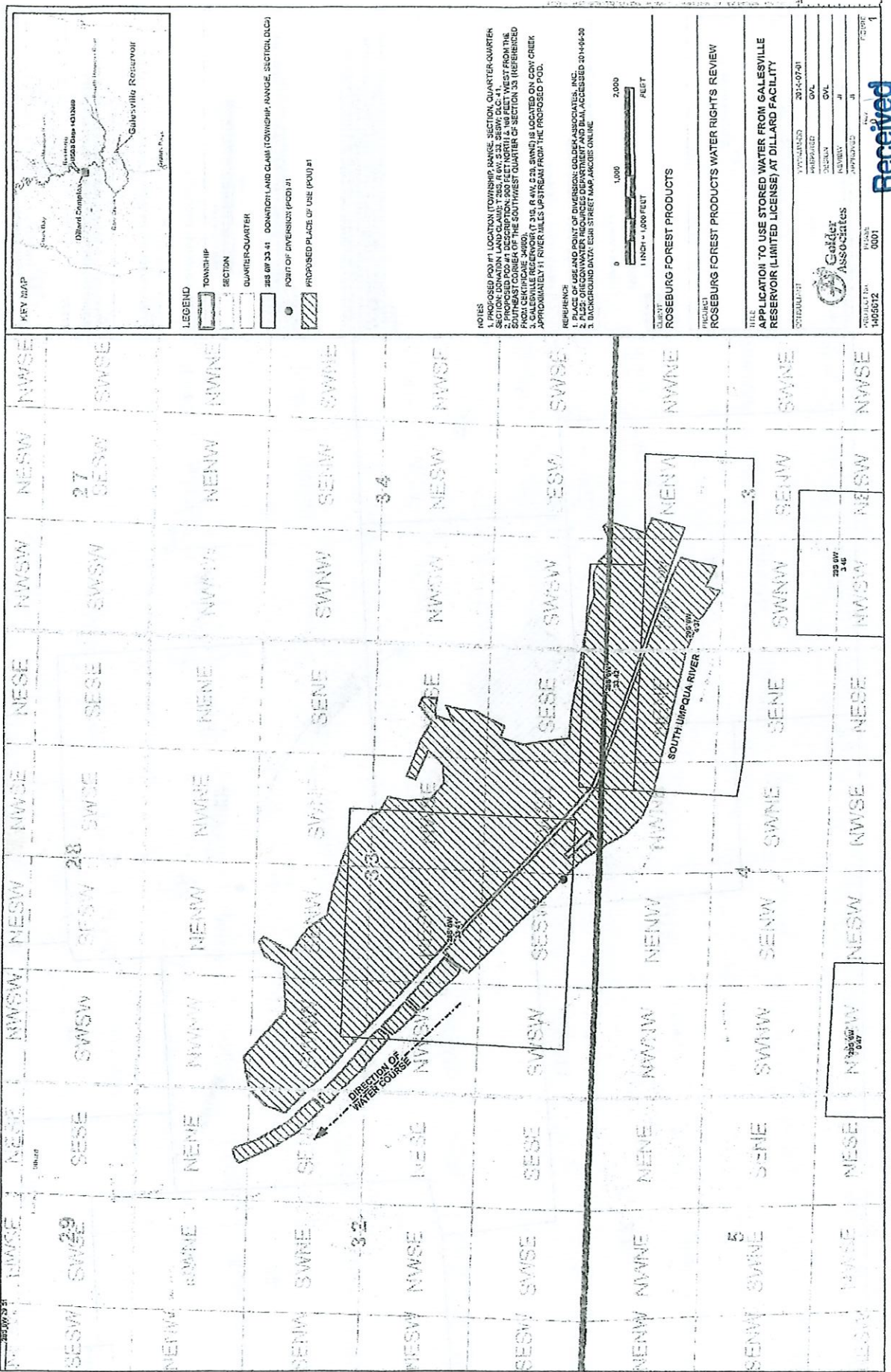
By Tiffany Podborsik
County Legal Counsel
Date APR 11, 2023

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JUL 22 2024

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01/10/20
 10/11/2024
 (482)1460

5891-22



LEGEND

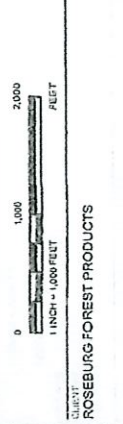
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- SECTION
- QUARTER-QUARTER
- 285 67 33 41 DIVERSION LAND CLAIM (TOWNSHIP, RANGE, SECTION, D.C.H.)
- POINT OF DIVERSION (POD) #1
- PROPOSED PLACE OF USE (POU) #1

NOTES

1. PROPOSED POINT LOCATION (TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER, SECTION, DONATION, LAND CLAIM) 285 16 33 23 SW/4 D.C. 41.
2. POINT OF DIVERSION #1 IS LOCATED AT THE INTERSECTION OF THE WEST CORNER OF THE 334 WEST QUARTER OF SECTION 34 (NEBRESSE FROM CALSKIP RANGE 3400).
3. CALENSVILLE RESERVOIR (T. 33, R. 4N, 23 SW/4) IS LOCATED ON COW CREEK APPROXIMATELY 17 RIVER MILES UPSTREAM FROM THE PROPOSED POD.

REFERENCES

1. PLACE OF USE AND POINT OF DIVERSION: HOLDEN ASSOCIATES, INC.
2. PLACE OF DIVERSION: WATER RESOURCES DEPARTMENT AND D.M.A. ACCESSIBLE 40 N 44-30
3. BACKGROUND DATA: EGRI STREET MAP, ARKANSAS ONLINE



TITLE
 APPLICATION TO USE STORED WATER FROM GALESVILLE RESERVOIR (LIMITED LICENSE) AT DILLARD FACILITY

CLIENT
 ROSEBURG FOREST PRODUCTS

PROJECT
 ROSEBURG FOREST PRODUCTS WATER RIGHTS REVIEW

DATE
 2014-07-01

APPROVED BY
 [Signature]

PROJECT NO.
 148872

SCALE
 0001

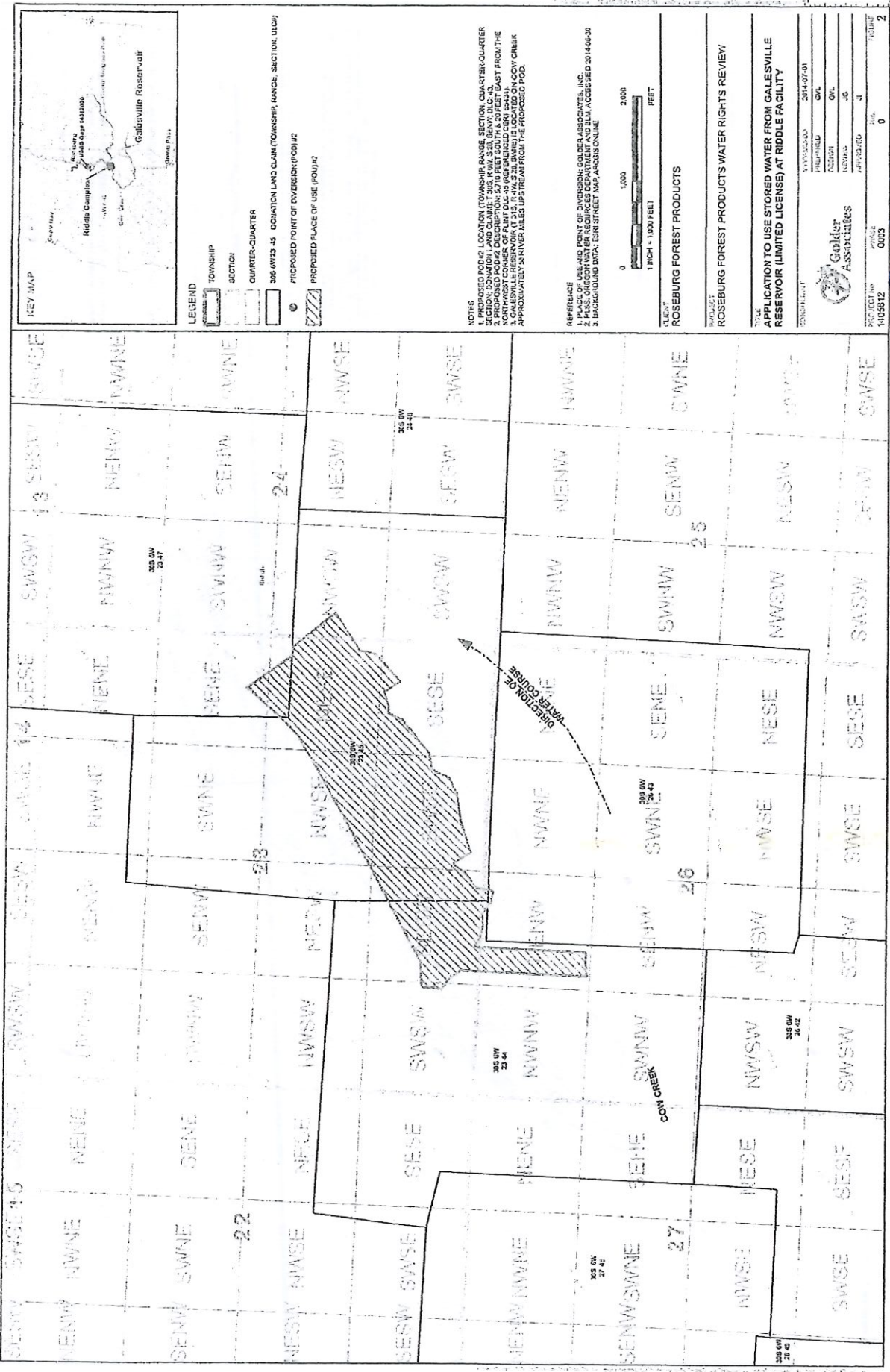
REVISION
 1

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NOTES
 1. PROPOSED POND LOCATION (TOWNSHIP RANGE SECTION QUARTER-QUARTER SECTION DONATION LAND CLAIM T.24N. R.33E. SW1/4 SW1/4 SW1/4)
 2. PROPOSED POND DESCRIPTION: 5.70 FEET 300 FT x 30 FEET EAST FROM THE CENTER OF SECTION 24, T.24N. R.33E. SW1/4 SW1/4 SW1/4
 3. GALESVILLE RESERVOIR AT 215.11 A.M.S. SW1/4 SW1/4 SW1/4 ON GOV. CRUIK APPROXIMATELY 21 RIVER MILES UPSTREAM FROM THE PROPOSED POND.

REFERENCE
 1. PLACE OF USE AND POINT OF DIVERSION: GOLDER ASSOCIATES, INC.
 2. PROJECT NO.: 2014-09-30
 3. BACKGROUND DATA: ESMI SETBACK MAP, AEGIS ONLINE

LEGEND
 TOWNSHIP
 SECTION
 QUARTER-QUARTER
 308 8W33 45 DIVERSION LAND CLAIM (TOWNSHIP, RANGE, SECTION, ULQ)
 PROPOSED POINT OF DIVERSION (POD) #2
 PROPOSED PLACE OF USE (POU) #2

SCALE
 1 INCH = 1,000 FEET
 0 1,000 2,000 FEET

PROJECT
 ROSEBURG FOREST PRODUCTS

PROJECT NO.
 ROSEBURG FOREST PRODUCTS WATER RIGHTS REVIEW

THE LOCATION TO USE STORED WATER FROM GALESVILLE RESERVOIR (LIMITED LICENSE) AT RIDDLE FACILITY

PROJECT NO.
 H105612

DATE
 08/03/2014

SCALE
 0 100 200

DATE
 08/03/2014

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Oregon Water Resources Department

Final Order
Limited License Application LL-1955



Appeal Rights

This is a final order in other than 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 either 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.

Requested Water Use

Applicant: ROSEBURG FOREST PRODUCTS

Date Submitted: JUNE 13, 2023

Amount: 1.86 CUBIC FEET PER SECOND (CFS), UP TO 444 ACRE-FEET (AF) OF STORED WATER

Source: GALESVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT R-9964

Use: GENERAL INDUSTRIAL USE

Period of Use: JUNE 1 – OCTOBER 31 OF EACH YEAR; FROM JUNE 1 THROUGH OCTOBER 31, 2023

County: DOUGLAS COUNTY

POD Locations: POD 1: 28.00S-6.00W-33-SESW
POD 2: 30.00S-6.00W-26-SENW

Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. On June 13, 2023, the Department provided public notice of the application, as required by OAR 690-340-0030(2).
3. The Department has not received public comment related to the possible issuance of the limited license.

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Final Order

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4. This limited license request is limited to an area within a single drainage basin, as required by OAR 690-340-0030(3).
5. The Department has determined that stored water is available for the requested use.
6. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.
7. The Department may not issue a limited license from stored water for more than one year. (ORS 537.143)(9)(a).
8. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's statewide rules under OAR 690-033-0310. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. No comments were received that would cause the Department to require additional conditions or limitations.
9. Because this use is from surface water and has the potential to impact fish, the Department finds that fish screening is required to protect the public interest.
10. Pursuant to ORS 537.144(2)(a)(A), if the request is to use stored water for purposes for which the stored water is authorized and pursuant to a contract between the user and a local, state or federal government, the person shall submit a copy of the contract. A valid contract for use of stored water from Galesville Reservoir was issued by Douglas County, a local entity, and was part of the application.
11. Pursuant to OAR 690-340-0030(4) and (5), conditions have been added with regard to notice and water-use measurement.
12. Douglas County has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility statement is in the file.

Conclusions of Law

The proposed water use will not impair or be detrimental to the public interest pursuant to OAR 690-340-0030(2), as limited in the order below.

Order

Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, Application LL-1955 is approved as conditioned below.

1. The authorized use of water under this limited license is as follows:

Amount: 1.86 CFS, UP TO 444 AF OF STORED WATER

Source: GALESVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT R-9964

Use: GENERAL INDUSTRIAL USE

Duration: FROM LIMITED LICENSE ISSUE DATE THROUGH OCTOBER 31, 2023

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POD Locations: POD 1: 28.00S-6.00W-33-SESW
POD 2: 30.00S-6.00W-26-SENW

2. The licensee shall give notice to the Watermaster in the district where use is to occur not less than 15 days or more than 60 days in advance of using the water under the limited license. The notice shall include the location of the diversion, the quantity of water to be diverted, and the intended use and place of use. In the case of this application, this order serves as the notice described above.
3. Before water use may begin under this limited license, the licensee shall install a totalizing flow meter at each point of diversion. The totalizing flow meter must be installed and maintained in good working order.
4. The licensee shall maintain a record of all water use, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be submitted to the Department upon request.
5. The Director may revoke the right to use water for any reason described in ORS 537.143(2), and OAR 690-340-0030(6). Such revocation may be prompted by field regulatory activities or by any other information.
6. Use of water under a limited license shall not have priority over any water right exercised according to a permit or certificate, and shall be subordinate to all other authorized uses that rely upon the same source.
7. The licensee shall install, use, and maintain fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. See copy of enclosed fish screening criteria for information.
8. 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.
9. A copy of this limited license shall be kept at the place of use, and be made available for inspection by the Watermaster or other state authority.

NOTE: This water-use authorization is temporary. Applicants are advised that issuance of this final order does not guarantee that any permit for the authorized use will be issued in the future; any investments should be made with that in mind.

Issued JUN 29 2023

Katherine Ratcliffe

Katherine Ratcliffe, Water Rights Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Enclosures - fish screen criteria

Application LL-1955

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Final Order

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cc: Susan M. Douthit, District 15 Watermaster
Western, ODFW
Umpqua, DEQ
Surface Water Section
File

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LL-1955

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If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271
Phone: (503) 979-9895 Fax: (503) 986-0901

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FISH SCREENING CRITERIA FOR WATER DIVERSIONS

This summary describes ODFW fish screening criteria for all fish species.

Screen material openings for ditch (gravity) and pump screens must provide a minimum of 27% open area:

Perforated plate: Openings shall not exceed 3/32 or 0.0938 inches (2.38 mm).

Mesh/Woven wire screen: Square openings shall not exceed 3/32 or 0.0938 inches (2.38 mm) in the narrow direction, e.g., 3/32 inch x 3/32 inch open mesh.

Profile bar screen/Wedge wire: Openings shall not exceed 0.0689 inches (1.75 mm) in the narrow direction.

Screen area must be large enough to prevent fish impact. Wetted screen area depends on the water flow rate and the approach velocity.

Approach velocity: The water velocity perpendicular to and approximately three inches in front of the screen face.

Sweeping velocity: The water velocity parallel to the screen face.

Bypass system: Any pipe, flume, open channel or other means of conveyance that transports fish back to the body of water from which the fish were diverted.

Active pump screen: Self cleaning screen that has a proven cleaning system.

Passive pump screen: Screen that has no cleaning system other than periodic manual cleaning.

Screen approach velocity for ditch and active pump screens shall not exceed 0.4 fps (feet per second) or 0.12 mps (meters per second). The wetted screen area in square feet is calculated by dividing the maximum water flow rate in cubic feet per second (1 cfs = 449 gpm) by 0.4 fps.

Screen sweeping velocity for ditch screens shall exceed the approach velocity. Screens greater than 4 feet in length must be angled at 45 degrees or less relative to flow. An adequate bypass system must be provided for ditch screens to safely and rapidly collect and transport fish back to the stream.

Screen approach velocity for passive pump screens shall not exceed 0.2 fps or 0.06 mps. The wetted screen area in square feet is calculated by dividing the maximum water flow rate by 0.2 fps. Pump rate should be less than 1 cfs.

For further information please contact:

Statewide Fish Screening Coordinator
Oregon Dept. Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, OR 97302
(503) 947-6229

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