



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

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Jerry Powell
First Last

Mailing address: 8954 Lookingglass Rd
Roseburg Oregon 97470
City State Zip

Phone: 1-541-679-6985 N/A N/A
Home Work Other

*Fax: N/A *E-Mail address: N/A

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: N/A

Name and title of person applying: N/A

Mailing address of organization: N/A
N/A
City State Zip

Phone: N/A
Day Evening

*Fax: N/A *E-Mail address: N/A

* Optional information

For Department Use		
App. No. <u>S-87169</u>	Permit No. _____	Date _____

Last updated: 2/13/2008

Surface Water/1

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2. SOURCE AND PROPERTY OWNERSHIP

A. The 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: Ben Irving Res. Tributary to: Berry Creek
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
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).

CA# 80425

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A 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.)

If *all* sources listed in item 2A 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.

Surface Water/2

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5-87169

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Please check appropriate box below then skip to section 3 'Water Use')

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below.)

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 irrigated and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners.

Douglas County Engineering

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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S- 87169

B. Amount of Water

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	Type of use	Amount
BEN IRVIN RES.	irrigation	87.5 <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

C. Period of Use

Indicate the time of year you propose to use the water: March 1 - Oct. 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 35.0
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): 15 HP CENTRIFUGAL
- Head-gate (give dimensions): _____
- Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other means (describe): _____

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C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length):

Diameter 4" Length 2000'

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Most efficient method of irrigation will be used as feasible.

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SALEM, OREGON**

S-87169

5. RESOURCE PROTECTION

A. Protection Practices

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: Intake will be screened to ODFW specifications.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: No clearing needed.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: n/a

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

Other: _____

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Oct. 1, 2008

Proposed date construction will be completed: Oct. 1, 2009

Proposed date beneficial water use will begin: Oct. 1, 2010

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

Surface Water/7

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S. 87169

9. SIGNATURE

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.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Jerry Powell

Signature of Applicant (If more than one applicant, all must sign.)

5-6-08

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

COPY OF CONTRACT WITH DISTRICT

WRD on the web:
www.wrd.state.or.us

Surface Water/8

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5-87169



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: _____ Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. HAY Full season Partial season (from: _____ to _____)
2. _____ Full season Partial season (from: _____ to _____)
3. _____ Full season Partial season (from: _____ to _____)
4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

87.5 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
 Two or three times weekly during daytime Two or three times weekly during nighttime
 Weekly, during daytime hours Weekly, during nighttime hours
 Other, explain: _____

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Last revision: October 31, 1996

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WATER RESOURCES DEPT SALEM, OREGON

S-87169

LOOKINGGLASS OLALLA WATER CONTROL DISTRICT AGREEMENT FOR PURCHASE OF STORED WATER

AGREEMENT made this 1st day of March, 2005 between
LOOKINGGLASS OLALLA WATER CONTROL DISTRICT (DISTRICT)
and JERRY POWELL (CONSUMER).

WATER RIGHTS NOTES

COPY

DISTRICT AND CONSUMER AGREE:

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

USE OF WATER	ACRES	STORAGE ALLOCATED	TWP	RGN	SEC	TL OR 1/4 SECTION
IRRIGATION	35		28	7	1	1000
DOMESTIC						
MUNICIPAL						
SUB-DISTRICT						
INDUSTRIAL						
MULTIPURPOSE						

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TYPE AND TERM OF AGREEMENT / FEES:

AGREEMENT TYPE	BEGINNING DATE	RENEWAL DATE	RESERVATION FEE (ANNUAL)	USE FEE
METERED	1-1-05	1-1-2014	\$55 through 2008 \$60 through 2013	AS PER ATTACHED EXHIBIT A

S-87169

This agreement is made upon the following terms and conditions:

1. Price of Water Service; Payment.

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

1.2 The annual reservation fee shall be non-refundable and due in full on or before January 31 of each year of the contract. The use fee shall be due in full no later than 60 days after billing.

1.3 The Consumer shall pay the billing for the season's water use within 60 days of being billed. The Consumer shall pay interest on the billing at the rate of 9% per annum from the date of billing on all late payments. Additionally, there shall be a late fee of \$10.00 for every 60-day period that the account remains delinquent. The District has the right to refuse to deliver water to the Consumer or the real property to which water is furnished under this agreement at any time that the Consumer is in default in the payment of any water charge or billing. Default is defined as any billing, or portion thereof, that remains unpaid for a period of 60 days or more.

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

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

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

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

2. Meters and Equipment.

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

2.2 All new Consumers shall use a meter approved by the State of Oregon and the District.

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3. Use of Water

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

3.2 The Consumer acknowledges that the water provided under this agreement has not been treated or tested as suitable for drinking water, and is delivered by natural watercourses. The District is not operating a public water system. The Consumer shall indemnify the District from any damages or claim that may result from or arise in connection with any person using the water provided under this agreement for human consumption or household purposes.

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

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

4. Contract Term and Extensions for Metered Service Consumers.

The contract for Consumers currently using meters (metered service) shall terminate December 31, 2013. Metered service Consumers shall have the right to extend the terms of this contract for additional periods of 10 years each under the following conditions:

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

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

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

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

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

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SALEM OREGON

current term.

5. Contract Term for Flat Rate Consumers.

The contract for Consumers who are not currently using meters (flat rate service) shall terminate December 31, 2008. These Consumers are required to have a meter before they will be issued a contract extending past 2008. At any time prior to 2009, flat meter service Consumers who change to a meter shall be switched to a contract ending December 31, 2013. Consumers who do not change to metered service by 2009 shall not be issued new contracts with District, nor have the current contract extended past 2008.

6. Termination of Contract by Consumer.

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

7. Termination and Reinstatement of Contract by District.

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

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

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

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

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

water for the projected need.

7.5 Determination that District is operating a public water system. The District may terminate contracts for domestic water if the Oregon Department of Human Services or other competent government authority determines that the District is operating a public water system and thereby required to comply with the Oregon Drinking Water Quality Act and administrative rules enacted pursuant thereto, or with any substantially similar state or federal law.

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

8. Allocation of Water in Drought Years.

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

9. Water Rights.

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

10. Right of Entry.

The District, its agents, employees, and contractors, shall have the right at all reasonable times to enter upon the premises of the Consumer to inspect the water

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intake and meter and beneficial use of the water. The Consumer agrees to maintain such areas to ensure safety of the meter reader, and to provide such access to the District and its personnel.

11. Miscellaneous.

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

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

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

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

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

IN WITNESS WHEREOF, the parties have affixed their signatures below.

LOOKINGGLASS-OLALLA WATER CONTROL DISTRICT

BY: <u><i>Jerry Powell</i></u> Consumer (Landowner/Agent)	BY: <u><i>Margaret Anderson</i></u> Representing District
BY: _____ Consumer (Landowner/Agent)	DATE: <u><i>12-15-04</i></u>
DATE: <u><i>11-19-04</i></u>	
ADDRESS: <u><i>8954 Lookingglass Rd</i></u> <u><i>Roseburg OR 97470</i></u>	
PHONE: <u><i>6796985</i></u>	

EXHIBIT "A"

RATE SCHEDULE

EFFECTIVE JANUARY 2004 THROUGH DECEMBER 2008

TYPE OF USER	ANNUAL RESERVATION FEE	RATE OR USE FEE	COMMENTS
IRRIGATION (METERED)	\$55.00	0-1 ACRE FOOT--\$9.90 1-2 ACRE FOOT--\$12.10 2-2 1/2 ACRE FOOT--\$17.60	METER REQUIRED
IRRIGATION SUB DISTRICT (Up to 4 irrigators) EACH ADDITIONAL IRRIGATOR	\$200.00 \$45.00	0-1 ACRE FOOT--\$9.90 1-2 ACRE FOOT--\$12.10 2-2 1/2 ACRE FOOT--\$17.60	MASTER METER REQUIRED
MUNICIPAL / QUASI MUNICIPAL	\$1,250.00	\$55.00 PER AF / FIRST 100 AF \$60.50 PER AF / OVER 100 AF	METER REQUIRED
INDUSTRIAL	\$1,500.00	\$55.00 PER ACRE FOOT	METER REQUIRED OR ACRE FOOT / YEAR NEGOTIATED
DOMESTIC	\$110.00	\$110.00	\$55.00 PER AF w/ 2 AF MINIMUM NO METER REQUIRED
MULTIPLE USE	MAY VARY	\$55.00 PER ACRE FOOT	METER REQUIRED
SUB-DISTRICT DOMESTIC UP TO 5 EACH DOMESTIC OVER 5	\$275.00 \$55.00	\$55.00 PER ACRE FOOT	MASTER METER REQUIRED
FLAT RATE IRRIGATION	\$55.00	\$22.00 PER ACRE PER YEAR	No Meter Required Not Valid After 12-31-08
UNMETERED IRRIGATION (meter broken or not functioning)		\$0.03 PER ACRE FOOT PER DAY	Metered irrigation rate noted above applies
ANY OTHER USE	\$110.00	MAY VARY	COST WILL BE NEGOTIATED

FLAT RATE SCHEDULE 2004 through 2008
IN ADDITION TO ANNUAL RESERVATION FEE

WATER RIGHT PRIORITY	COST PER ACRE	WATER RIGHT PRIORITY	COST PER ACRE
POST AUG 5, 1983 (CLOSURE)	\$22.00	OCTOBER 24, 1958—MARCH 26, 1974	\$13.20
MARCH 26, 1974—AUG 5, 1983 (CLOSURE)	\$19.80	PRE OCTOBER 24, 1958	\$5.50

RATE SCHEDULE

EFFECTIVE JANUARY 2009 THROUGH DECEMBER 2013

TYPE OF USER	ANNUAL RESERVATION FEE	RATE OR USE FEE	COMMENTS
IRRIGATION (METERED)	\$60.00	0-1 ACRE FOOT--\$10.35 1-2 ACRE FOOT--\$12.65 2-2 1/2 ACRE FOOT--\$18.40	METER REQUIRED
IRRIGATION SUB DISTRICT (Up to 4 irrigators) EACH ADDITIONAL IRRIGATOR	\$225.00 \$50.00	0-1 ACRE FOOT--\$10.35 1-2 ACRE FOOT--\$12.65 2-2 1/2 ACRE FOOT--\$18.40	MASTER METER REQUIRED
MUNICIPAL / QUASI MUNICIPAL	\$1,500.00	\$57.50 PER AF / FIRST 100 AF \$63.50 PER AF / OVER 100 AF	METER REQUIRED
INDUSTRIAL	\$1,750.00	\$57.50 PER ACRE FOOT	METER REQUIRED OR ACRE FOOT / YEAR NEGOTIATED
DOMESTIC	\$120.00	\$115.00	\$57.50 PER AF w/ 2 AF MINIMUM NO METER REQUIRED
MULTIPLE USE	MAY VARY	\$57.50 PER ACRE FOOT	METER REQUIRED
SUB-DISTRICT DOMESTIC UP TO 5	\$300.00	\$57.50 PER ACRE FOOT	MASTER METER REQUIRED
UNMETERED IRRIGATION (Meter broken or non-functioning)		\$0.03 PER ACRE FOOT PER DAY	Metered irrigation rate noted above applies
ANY OTHER USE	\$120.00	MAY VARY	COST WILL BE NEGOTIATED

EXHIBIT A

LEGAL DESCRIPTION:

THE FOLLOWING DESCRIBED PROPERTY IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 7 WEST, WILLAMETTE MERIDIAN, AND SECTION 6, TOWNSHIP 28 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON:

BEGINNING AT A 5/8 INCH IRON ROD ON THE RIDGE BETWEEN LOOKING GLASS AND HAPPY VALLEY FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 1 BEARS SOUTH 36° 50' 07" EAST 704.20 FEET, THENCE ALONG SAID RIDGE ON THE FOLLOWING COURSES: NORTH 36° 31' 00" EAST 462.00 FEET TO A 5/8 INCH IRON ROD, WEST 132.00 FEET TO A 5/8 INCH IRON ROD, AND NORTH 30° 30' 00" EAST 839.70 FEET TO A 5/8 INCH IRON ROD, THENCE NORTH 84° 18' 28" WEST 1088.70 FEET TO A 5/8 INCH IRON ROD ON THE EXISTING FENCE LINE; THENCE NORTH 88° 57' 48" WEST ALONG SAID FENCE LINE 353.72 FEET; THENCE CONTINUING ALONG SAID FENCE LINE NORTH 89° 48' 47" WEST 1033.63 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 0° 48' 00" WEST 1151.18 FEET TO A 5/8 INCH IRON ROD ON THE EXISTING FENCE LINE; THENCE SOUTH 89° 14' 20" EAST ALONG SAID FENCE LINE 650.00 FEET; THENCE CONTINUING ALONG SAID FENCE LINE NORTH 89° 32' 21" EAST 579.90 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 85° 12' 50" EAST 690.20 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION SOLD TO DOUGLAS COUNTY, AS EVIDENCED BY DEED RECORDED IN BOOK 177, PAGE 224, RECORDS OF DOUGLAS COUNTY, OREGON.

ALSO A TWENTY (20) FOOT STRIP OF LAND DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL ABOVE DESCRIBED, THENCE NORTH 89° 14' 20" WEST 2145 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY OF COUNTY ROAD NO. 47; THENCE NORTHERLY ALONG SAID RIGHT OF WAY 20 FEET TO A POINT; THENCE SOUTH 89° 14' 20" EAST 2145 FEET MORE OR LESS TO A POINT ON THE WESTERLY LINE OF THE PARCEL ABOVE DESCRIBED, THENCE SOUTH 0° 48' 00" WEST 20 FEET TO THE PLACE OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

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SALEM OREGON**

END OF DOCUMENT

S 87169

\$40.00 PLANNING DEPT.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

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 jurisdictions 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.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for 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.

RECEIVED

MAY 08 2008

**WATER RESOURCES DEPT
SALEM OREGON**

S-57169



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Jehny Powell
Mailing Address: 8954 Lookingglass Rd
City: Roseburg State: O Zip: 97426 Day Phone: 6392985

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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:
28 S.	7 W.	1		1000		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<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, or used. Douglas County

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
- Exchange of Water
- Allocation of Conserved Water
- Limited Water Use License
- Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 87.5 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: _____

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT
SALEM, OREGON

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 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 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
		<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.

Name: JONATHAN WRIGHT Title: PLANNER
 Signature: [Signature] Phone: 440-4289 Date: 050508
 Government Entity: _____

**DOUGLAS COUNTY PLANNING DEPARTMENT
 ROOM 106, JUSTICE BUILDING
 DOUGLAS COUNTY COURTHOUSE
 ROSEBURG, OR 97470**

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

RECEIVED
 MAY 08 2008
**WATER RESOURCES DEPT
 SALEM, OREGON**

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