

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME MAX PERRY			PHONE (HM)
PHONE (WK) 310-207-2296	CELL 310-890-8995	FAX	
ADDRESS 28816 TEAL TERRACE			
CITY MALIBU	STATE CA	ZIP 90265	E-MAIL * MPERRY@SUITE1400.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.

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.)

RECEIVED

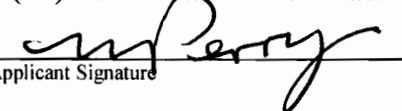
JUN 28 2013

By my signature below I confirm that I understand:

WATER RESOURCES DEPT
SALEM, OREGON

- 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.


Applicant Signature

MAX PERRY
Print Name and title if applicable

June 27 2013
Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. 87916	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.

X Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

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.

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

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: <u>Galesville Reservoir</u>	Tributary to: <u>Cow Creek</u>
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

RECEIVED
 JUN 28 2013
 WATER RESOURCES DEPT
 SALEM, OREGON

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.
- X 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.)

R9964

87916

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
Galesville Reservoir	Irrigation	March 1 – October 31	37.91 <input type="checkbox"/> cfs <input type="checkbox"/> gpm X 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: 17 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: 2.23

- 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:

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

87916

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

X Pump (give horsepower and type): 10 Horsepower, submersible

Other means (describe): _____

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

B. Application Method

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

Water will be pumped from the South Umpqua River for irrigation of up to 17 acres.

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.

Water is needed for irrigation of 17 acres on the property. Most efficient method of irrigation will be used as feasible to prevent waste, erosion, and control run-off.

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.

- X Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW approved fish screening will be installed on pump intake prior to diversion of water.
- X Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: None planned.
- X Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: None planned.
- X Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Will use best residential management practices to prevent erosion and run-off.

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

87916

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Upon issuance of permit

Date construction will be completed: October 1, 2014

Date beneficial water use will begin: October 1, 2015

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.

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

87916

RECEIVED

WS13-0407 JUN 28 2013
\$55-

Land Use Information Form



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

Applicant: Max Perry
First Last

Mailing Address: 28816 Teal Terrace

Malibu CA 90265 Daytime Phone: 310-270-2296
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:
						Diverted	Conveyed	Used	
27S.	6W.	9	D	300		X Diverted	X Conveyed	X 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, and/or used or developed:

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
 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) Galesville Reservoir

Estimated quantity of water needed: 37.91 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 of 17 acres using Galesville Reservoir storage.

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. →
Surface Water/9

RECEIVED

JUN 28 2013

For Local Government Use Only

WATER RESOURCES DEPT
SALEM, OREGON

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): 3.4.050

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
		<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.

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

R10137
- FCI

Name: KELLY WHITE Title: PLANNING TECH

Signature: Kelly White Phone: 541-440-4289 Date: 6/27/13

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: _____

87916

After recording return to:

Gail Rittenbach
32 Sullivan Place
Walla Walla WA 99362-6260

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK

2012-013793



\$53.00

00327535201200137930030036

08/27/2012 02:06:04 PM

DEED-WD Cnt=1 Stn=18 recordingdesk
\$15.00 \$11.00 \$17.00 \$10.00

SPECIAL WARRANTY DEED

By this instrument:

GAIL RITTENBACH, AS TRUSTEE OF PERRY LOVING TRUST, DATED FEBRUARY 15, 1996 (collectively the "GRANTOR"),

Conveys and warrants to:

MAX PERRY AND MARY PERRY, AS TRUSTEES OF THE ALDER CREEK FAMILY TRUST, DATED NOVEMBER 19, 1993 (collectively the "GRANTEE"),

all right, title and interest in and to the following described real property situated in the County of Douglas, State of Oregon:

See Legal Description attached hereto as Exhibit A

for the real property consisting of 21 acres more or less, commonly referred to as 226 Panda Lane, Roseburg, Oregon.

THE GRANTOR WARRANTS that at the time of the delivery of the deed the Grantor is seized of the estate in the property which the Grantor purports to convey, that the Grantor has good right to convey the same and that the property is free from encumbrances created or suffered by Grantor, except as specifically set forth on this Deed, of which there is none.

THE GRANTOR WARRANTS and will defend the title to the Property against all persons who may lawfully claim the same, through or under Grantor.

THE TRUE CONSIDERATION for this conveyance is \$415,000.00, the receipt and sufficiency of which is hereby acknowledged.

Dated this 28th day of June, 2012

GRANTOR:

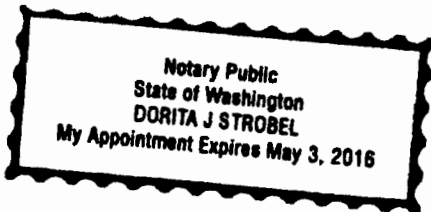
PERRY LOVING TRUST, DATED FEBRUARY 15, 1996

By: Gail Rittenbach, TRUSTEE
Gail Rittenbach, Trustee

Signed, Sealed and Delivered
In the Presence of:

Sign: Dorita J. Strobel

Name: Dorita J. Strobel



RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

87916

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

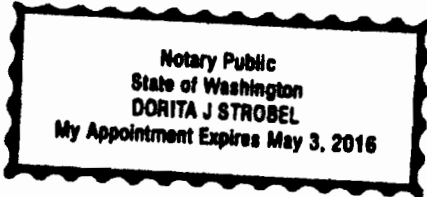
GRANTOR ACKNOWLEDGMENT

STATE OF WASHINGTON)
) SS.
COUNTY OF walla walla)

I certify that I know or have satisfactory evidence that Gail Rittenbach is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she is authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: June 28, 2012

Dorita J. Strobel
Notary Public in the State of Washington



My appointment expires: May 3, 2016

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

LEGAL DESCRIPTION

Beginning at a point on the East side of the County Road from which a white oak 12" in dia. bears N, 13° West 110 links, and a black oak 4" in dia. bears S 88° W 48 links and from which the quarter corner between sections 9 and 16 in Tp. 27 S., R. 6 W. bears S. 10° W. 11.38 chains, thence N. 9° E, along County Road 8.52 chains to an oak post marked c.s., thence east (var. 20° 15' E.) 23.50 chains to a post on left bank of South Umpqua River from which a balm 24" in dia. bears S 37° E. 23 links and cherry tree 10" in dia. bears N. 29-1/2" W. 25 links, thence S. 11° W. along left bank of river 8.53 chains to a post from which a balm 24' in dia. bears N. 8° E. 13 links, and a balm 16" in dia. bears S. 20' W. 14 links, thence West 23.05 chains to place of beginning, containing Twenty (20) acres of land.

EXCEPTING therefrom a 10ft. wide strip along the South line of the above described property running from the South Umpqua River to the County Road;

ALSO a 10 ft. wide strip South of the South line of the above described property running from the South Umpqua River to the County Road, said property to be combined with the exception above noted and used as a 20 ft. roadway by Grantees, their heirs and assigns, herein. It is the intention of Grantors herein to convey all of that certain property described in the Warranty Deed from Vernon L. Perry and Imogene Perry, trustees, or their successors in trust, under the Perry Loving Trust dated February 15, 1996, and any amendments thereto, recorded February 23, 1996 in Book 1394, Page 570, document 96-04301 of the Official Records of Douglas County, Oregon.

87916

Gerry Clark

From: Jerre Woody <jlwoody@co.douglas.or.us>
Sent: Friday, June 28, 2013 11:47 AM
To: Gerry Clark
Subject: FW: Emailing: PerryContract.pdf
Attachments: PerryContract.pdf; Max Perry.vcf; Perry Agriculture Water Purchase fill-in (1).pdf

Hi Gerry,

Attached are the items we spoke about concerning the Perry Contract for Galesville water. He is sending the original signed contract to me, I will get additional signatures and then record it.

Please let me know if you need anything else.

Thank you,
Jerre

-----Original Message-----

From: Max Perry [<mailto:MPerry@suite1400.com>]
Sent: Friday, June 28, 2013 10:24 AM
To: Jerre Woody
Subject: Emailing: PerryContract.pdf

Hi Jerre,
Here's the signed signature page of the Galesville/Douglas County water contract. Thanks for turning this around so fast. Regards, Max

**CONTRACT FOR PURCHASE OF AGRICULTURAL WATER
FROM GALESVILLE PROJECT**

This contract is made on _____, 20 13 between Douglas County, a political subdivision of the State of Oregon (County), and _____
Max Perry (Customer).

COUNTY AND CUSTOMER AGREE:

1. TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on March 1, 20 14 and end on December 31, 2023, unless it is sooner terminated as provided herein.

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

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

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

1.3.2. Customer may elect to extend the contract term by written notice to County within thirty days after County gives notice of the right to extend. Concurrently with written notice of extension Customer may request the Board of Commissioners to review and reduce the price of water in accordance with subsection 11.5.

1.3.3. No other act or agreement shall be required of the parties to effect the extension after Customer gives proper notice of election to extend the contract term. Each extension shall take effect on January 1 after Customer gives notice of extension.

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 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.

87916

6.4. The water shall be utilized for agricultural uses. 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 Oregon State Water Resources Department (OWRD). Once installed, it shall be the customer's responsibility to maintain such device in good working order. If requested by OWRD, Customer shall maintain a record of the amount of water use and report water use on such periodic schedule as may be established by 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 by the requirer, prior to 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 agricultural activities.

10. COMPLIANCE WITH LAW: This contract will be governed by and construed in accordance with 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 \$ 639.00 per year.

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

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

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

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

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

87916

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

16. NO WAIVER: No provision of this contract shall be waived unless the waiver is written and signed by the party that waives 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. Any notice required to be given under this contract shall be in writing and shall be given by personal delivery or mail, except that any notice required by law shall be given in the manner specified in the applicable 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:

Max Perry

28816 Teal Terrace, Malibu, CA 90265

19. ENTIRE AGREEMENT: This contract is 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.

CUSTOMER

Signature _____

Date _____

**BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON**

By _____
Robert G. Paul, PE, Director, Public Works
Department, Authority to sign agreement
Granted by Order of Board of Commissioners
dated June 26, 2002.

Date _____

REVIEWED AS TO CONTENT

By _____
Manager, Natural Resources Division

Date _____

Coding 215-0000-2810-00-012010

87916

*Max Perry
28816 Teal Terrace
Malibu, California 90265
310) 457-5216 Cell 310-890-8995
mperry@suite1400.com*

VIA FED EX

June 27, 2013

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

Re: Application for Permit to Use Surface Water at 226 Panda Lane, Douglas County, Roseburg, OR 97470


Dear OWRD:

I am enclosing a check in the amount of \$1,318 for the application and permit recording fees in the matter referenced above. The fee calculation sheet is attached to the check. I am also enclosing the signed water right permit application, the water right permit map, the land use form signed by a Douglas County planning representative, and a copy of the deed to the property, including the legal description of the property.

Please process the application at your earliest convenience. Expedited processing is requested and appropriate because the water will come from the Galesville reservoir.

Please do not hesitate to call or email me at mperry@suite1400.com should you have any questions.

Very truly yours,


Max Perry

c/c Laura Duncan, Douglas County

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

87916



Advanced Site Map Go

Water Resources Department

Permit to Appropriate Only Stored Water - Expedited Secondary

Today's Date: Thursday, June 27, 2013

Base Application Fee.		\$400.00
Acre feet of Stored Water to be diverted.	37.91	\$518.00
Permit Recording Fee. ***		\$400.00
*** 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		\$1,318.00

[Return to Fee Calculator Options page](#)

[OWRD Fee Schedule](#)

Fee Calculator Version: B20090701

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

87916

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

RECEIVED

JUN 28 2013

WATER RESOURCES DEPT
SALEM, OREGON

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. *See grant deed*
- Fees - Amount enclosed: \$ *1,318*
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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

- 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: