

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 JOSEPH & FRANCIS RUSSI | | PHONE (HM) | |
| PHONE (WK) | CELL 530-488-6216 | FAX | |
| ADDRESS P.O. BOX 73 | | | |
| CITY UMPQUA | STATE OR | ZIP 97486 | E-MAIL * |

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 * |

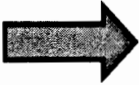
Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department **RECEIVED BY OWRD** electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

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- I am asking to use water specifically as described in this application. SALEM, OR
- 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.

[Signature]
Applicant Signature

JOE RUSSI
Print Name and title if applicable

Aug 27 2015
Date

Applicant Signature

Print Name and title if applicable

Date

| | | | | |
|--------|-------------------------|--------------------|------------------|------------|
| Revise | App. No. <u>S-00127</u> | For Department Use | Permit No. _____ | Date _____ |
|--------|-------------------------|--------------------|------------------|------------|

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- 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*).

Douglas County Public Works - Engineering
Douglas County Courthouse - Room 304
1036 SE Douglas
Roseburg, OR 97470

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

| | |
|---------------------------------------|--------------------------------|
| Source 1: <u>Galesville Reservoir</u> | Tributary to: <u>Cow Creek</u> |
| 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).

B. Applications to Use Stored Water

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

Yes.

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- 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 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 of 10 acres | March 1- October 31 | 22.3 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |
| | | | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af |
| | | | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af |
| | | | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af |

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 10 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: 22.3 acre-feet

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 5-10 HP

Other means (describe): _____

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

Galesville Reservoir stored water will be diverted from the Umpqua River using a 5-10 HP pump and conveyed to the property through a 2" mainline.

B. Application Method

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

Water will be delivered through laterals from the mainline to a rainbird sprinkler system.

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 10 acres on the property. A flowmeter will be installed at the POD and best irrigation management practices will be employed to promote efficiency and conservation.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW approved fish screening will be installed on the pump intake.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Any bank work will be minimized to reduce potential impacts to the riparian area.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Any in-channel work will be coordinated and approved by ODFW & DSL to prevent potential damage to aquatic resources.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Best irrigation management practices will be used to prevent erosion and run-off of any agricultural chemicals.

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Revised 2/1/2012

Surface Water/6

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: 8-1-2015

Date construction will be completed: 9-30-2015

Date beneficial water use will begin: 10-1-2015

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.

S-08127

Revised 2/1/2012

Surface Water/7

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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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SALEM, OR

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: Joseph & Deborah Russi
First Last

Mailing Address: P.O. Box 73

Umpqua OR 97486 Daytime Phone: 530-488-6216
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: |
|----------|-------|---------|------|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| 25S | 7W | 15 | SWNW | 400 | | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used | |
| 25S | 7W | 15 | SWNW | 402 | | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | |
| | | | | | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used | |
| | | | | | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used | |

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

Douglas 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) _____

Estimated quantity of water needed: 22.3
 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:

Use of 22.3 acre-feet of Galesville Reservoir stored water for irrigation of 10 acres.

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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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): W/A

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 |
| | | <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: STUART COWIE Title: PLANNING MANAGER

Signature: *Stuart Cowie* Phone: 541-440-6069 Date: 07/23/15

Government Entity: DOUGLAS COUNTY PLANNING DEPT.

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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* - - Property Data Selection Menu - -

Prop ID : R29696 (6155.02) Owner: RUSSI, JOSEPH F TRS &
 (229583) RUSSI, DEBORAH E TRS &
 Map Tax Lot: 25-07W-15-00400 JOSEPH& DEBORAH RUSSI TRUST
 Legal : RASMUSSEN HOLE, ACRES 8.13, (1) PT 9649 HORSESHOE BAR RD
 LOT 1 (2) LOT 1 LESS RD & PT SD (5)* LOOMIS, CA 95650-8513

Situs : 0 TYEE RD Year Built :
 UMPQUA, OR 97486 Living Area:

Name(s) :
 Area : 00100
 Sale Info : 06/16/15 \$650,000 2014 Roll Values
 Deed Type : WD RMV Land \$ 14,617 (+)
 Instrument: 2015-9398 RMV Improvements \$ 0 (+)
 2014 Tax Status * No Taxes Due * RMV Total \$ 14,617 (=)
 Current Levied Taxes : 63.71 Total Exemptions \$ 0
 Special Assessments : 18.75 M5 Net Value \$ 14,617
 M50 Assd Value \$ 8,900

| | | | |
|---------------|----------------|--------------|-------------|
| (AD) Alt Disp | (Y) primary | (L)and/Impr | (O)wnership |
| (H)istory | (W) Spec Assmt | (C)omp Sales | (.) More |

Enter Option from Above or <RET> to Exit: __

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SALEM, OR

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* - - Property Data Selection Menu - -
 Prop ID : R29704 (6155.03) Owner: RUSSI, JOSEPH F TRS &
 Map Tax Lot: 25-07W-15-00402 (229583) RUSSI, DEBORAH E TRS &
 Legal : TRACT LOT 1 E OF RD (IN FIRE) SEE JOSEPH& DEBORAH RUSSI TRUST
 R128764 FOR BAL TL, ACRES 5.00 9649 HORSESHOE BAR RD
 LOOMIS, CA 95650-8513

Situs : 6569 TYEE RD Year Built : 1979
 ** additional addresses ** Living Area: 3192
 Name(s) : 2014 Roll Values
 Area : 00117 RMV Land Non-LSU \$ 2,370 (+)
 Sale Info : 06/16/15 \$650,000 RMV Land LSU \$ 86,630 (+)
 Deed Type : WD RMV Improvements \$ 183,916 (+)
 Instrument: 2015-9398 RMV Total \$ 272,916 (=)
 2014 Tax Status * No Taxes Due * Land LSU \$ 6,232
 Current Levied Taxes : 1,900.15 Total Exemptions \$ 0
 Special Assessments : 90.14 M5 Net Value \$ 193,091
 M50 Assd Value \$ 192,518

| | | | |
|---------------|----------------|--------------|-------------|
| (AD) Alt Disp | (Y) primary | (L)and/Impr | (O)wnership |
| (H)istory | (W) Spec Assmt | (C)omp Sales | (.) More |

Enter Option from Above or <RET> to Exit: ___

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* - - Property Data Selection Menu - -

Prop ID : R128764 () Owner: RUSSI, JOSEPH F TRS &
 Map Tax Lot: 25-07W-15-00402 (229583) RUSSI, DEBORAH E TRS &
 Legal : TRACT LOT 1 E OF RD (IN DFPA) SEE JOSEPH& DEBORAH RUSSI TRUST
 R29704 FOR BAL TL, ACRES 26.37, NO* 9649 HORSESHOE BAR RD
 LOOMIS, CA 95650-8513

Situs : 0 TYEE RD Year Built :
 UMPQUA, OR 97486 Living Area:
 Name(s) : 2014 Roll Values
 Area : 00100 RMV Land Non-LSU \$ 0 (+)
 Sale Info : 06/16/15 \$650,000 RMV Land LSU \$ 26,370 (+)
 Deed Type : WD RMV Improvements \$ 0 (+)
 Instrument: 2015-9398 RMV Total \$ 26,370 (=)
 2014 Tax Status * No Taxes Due * Land LSU \$ 13,026
 Current Levied Taxes : 93.27 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 21,122
 M50 Assd Value \$ 13,026

| | | | |
|---------------|----------------|--------------|-------------|
| (AD) Alt Disp | (Y) primary | (L)and/Impr | (O)wnership |
| (H)istory | (W) Spec Assmt | (C)omp Sales | (.) More |

Enter Option from Above or <RET> to Exit: __

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Douglas County Official Records
Patricia K. Hitt, County Clerk

2015-009398

06/17/2015 03:54:06 PM

DEED-WD Cnt=1 Str=4 ROBIN
\$30.00 \$11.00 \$10.00 \$20.00

\$71.00

DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

**DO NOT REMOVE THIS PAGE FROM ORIGINAL
DOCUMENT**

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

First American Title
1700 NW Garden Valley Blvd. #204
Roseburg, OR 97471

2455704 (se)

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SALEM, OR

S-88127

THIS DOCUMENT WAS SIGNED IN COUNTERPART



After recording return to:
Joseph and Deborah Russi Trust
Dated March 31, 2015
6569 and 6601 Tye Road
Umpqua, OR 97486

Until a change is requested all tax
statements shall be sent to the
following address:
Joseph and Deborah Russi Trust Dated
March 31, 2015
6569 and 6601 Tye Road
Umpqua, OR 97486

File No.: 7391-2455704 (se)
Date: June 10, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY WARRANTY DEED

The true consideration for this conveyance is \$650,000.00
John T. Welbourn and Kathleen M. Welbourn Trustees of the Welbourn Family Trust dated April 5, 2010 and David Patrick Fairbairn and Yun C. Fairbairn, who acquired title as Yun C. Liang, Grantor, conveys and warrants to Joseph F. Russi and Deborah E. Russi, Trustees of The Joseph and Deborah Russi Trust Dated March 31, 2015 , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Douglas, State of Oregon, described as follows:

**PARCEL 1:
THAT PORTION OF GOVERNMENT LOT 1, SECTION 15, TOWNSHIP 25 SOUTH, RANGE 7 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, LYING EASTERLY OF COUNTY ROAD NO. 33.**

**PARCEL 2:
THAT PORTION OF GOVERNMENT LOT 1, SECTION 15, TOWNSHIP 25 SOUTH, RANGE 7 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, LYING WESTERLY OF COUNTY ROAD NO. 33.**

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ALSO ALL THAT PORTION OF LOT 1 RASMUSSEN HOLE, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A 5/8" IRON ROD ON THE NORTHERLY RIGHT-OF-WAY OF COUNTY RD. 33, SAID ROD BEING 9.70 FEET ALONG THE ARC OF A 1397.40 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 63° 16' 17" EAST 9.70 FEET, OF A POINT ON SAID RIGHT-OF-WAY THAT BEARS SOUTH 2° 00' 25" WEST 62.98 FEET FROM A BRASS CAP MEANDER CORNER BETWEEN SECTIONS 15 AND 16, SET ON M112-43 OF THE PLAT RECORDS OF DOUGLAS COUNTY; THENCE NORTH 17° 16' 02" WEST 61.73 FEET TO A 5/8" IRON ROD; THENCE NORTH 15° 08' 13" WEST 15.63 FEET TO A 5/8" IRON ROD; THENCE NORTH 58° 00' 53" EAST 19.88 FEET TO A 5/8" IRON ROD FROM WHICH A BRASS CAP AT THE MEANDER CORNER BETWEEN SECTIONS 15 & 16 BEARS SOUTH 2° 00' 25" WEST 26.00 FEET; THENCE NORTH 0° 39' 39" WEST 27.93 FEET TO A 5/8" IRON ROD NEXT TO AN OLD STUMP; THENCE NORTH 0° 39' 39" WEST APPROXIMATELY 16.15 FEET TO THE NORTH LINE OF LOT 1, RASMUSSEN HOLE SUBDIVISION.

EXCEPT FOR ALL THAT PORTION OF GOVERNMENT LOT 1, SECTION 15, TOWNSHIP 25 SOUTH, RANGE 7 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A 5/8" IRON ROD ON THE NORTHERLY RIGHT-OF-WAY OF COUNTY RD. 33, SAID ROD BEING 9.70 FEET ALONG THE ARC OF A 1397.40 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 63° 16' 17" EAST 9.70 FEET, OF A POINT ON SAID RIGHT-OF-WAY THAT BEARS SOUTH 2° 00' 25" WEST 62.98 FEET FROM THE A BRASS CAP MEANDER CORNER BETWEEN SECTIONS 15 AND 16, SET ON M112-43 OF THE PLAT RECORDS OF DOUGLAS COUNTY; THENCE NORTH 17° 16' 02" WEST 61.73 FEET TO A 5/8" IRON ROD; THENCE NORTH 15° 08' 13" WEST 15.63 FEET TO A 5/8" IRON ROD; THENCE NORTH 58° 00' 53" EAST 19.88 FEET TO A 5/8" IRON ROD FROM WHICH A BRASS CAP AT THE MEANDER CORNER BETWEEN SECTIONS 15 & 16 BEARS SOUTH 2° 00' 25" WEST 26.00 FEET; THENCE NORTH 0° 39' 39" WEST 27.93 FEET TO A 5/8" IRON ROD NEXT TO AN OLD STUMP; THENCE NORTH 0° 39' 39" WEST APPROXIMATELY 16.15 FEET TO THE NORTH LINE OF LOT 1, RASMUSSEN HOLE SUBDIVISION.

These legal descriptions were created prior to January 1, 2008.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$650,000.00**. (Here comply with requirements of ORS 93.030)

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

Dated this 16 day of June, 20 15.

David Patrick Fairbairn
David Patrick Fairbairn

The Welbourn Family Trust

John T. Welbourn, Trustee
John T. Welbourn, Trustee

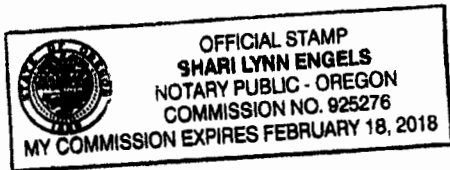
Kathleen M. Welbourn, Trustee
Kathleen M. Welbourn, Trustee

Yun C. Fairbairn
Yun C. Fairbairn

SEE ATTACHED FORM
FOR NOTARY CERTIFICATE

STATE OF Oregon)
)ss.
County of Douglas)

This instrument was acknowledged before me on this 17th day of June, 20 15
by **David Patrick Fairbairn and Yun C. Fairbairn.**



Shari Lynn Engels
Notary Public for Oregon
My commission expires: 2/18/18

RECEIVED BY OWRD

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Luis Obispo

On June 16, 2015 before me, Jill Canby, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared John T. Welbourn and
Name(s) of Signer(s)

Kathleen M. Welbourn, Trustees, Welbourn Family Trust
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jill Canby
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed Document Date: June 16, 2015
Number of Pages: 4 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

RECEIVED BY OWRD

AUG 31 2015

SALEM, OR

S-80127

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AUG 31 2015

DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT
APPLICATION FOR PERMIT

SALEM, OR

Date 7-31-15 Authorization No. _____ Permit No. 19180

I, Lyan Shelby Shelby + Miguel hereby make application
(FIRM NAME/APPLICANT'S NAME - PLEASE PRINT)
for an activity permit upon the right of way of Tyce Rd # 33
(ROAD NAME) (ROAD NO.)

Dist. N M.P. 6.139 in strict conformity to the attached exhibits, subject to all terms and conditions contained in the application and permit, and applicable State and local laws, ordinances, rules and regulations regarding roads and right of ways.

DESCRIPTION OF WORK TO BE PERFORMED: Bore under Road
Waterline

This work will be performed by: Applicant _____ Contractor X Other _____

I have read and understand the permit conditions as listed on the reverse side of this application.

[Signature]
SIGNATURE
541-643-7289
PHONE - WHERE YOU CAN BE REACHED

PO. Box 2011
MAILING ADDRESS
Roseburg Ore.
CITY
Ore 97470
STATE ZIP

☆☆☆☆☆☆ (APPLICANT- PLEASE DO NOT WRITE BELOW THIS LINE) ☆☆☆☆☆☆

PERMIT TO PERFORM OPERATIONS ON THE COUNTY ROAD RIGHT OF WAY

This permit is issued by Douglas County Public Works Department subject to the terms and conditions stated below and on the reverse side.

1. An adequate certificate of workers compensation insurance is is not required.
2. Permittee shall provide a restoration performance bond in the sum of \$ 0.
3. Open cutting of the pavement is not permitted, unless County approves a one sack cement/sand slurry backfill method.
4. Other special provisions: Asphalt roadway is to be protected, work area repaired to as is or better condition. Proper Traffic Control is to be used.

County representative: Bob Barrett 7-31-15

RECOMMENDED NOT RECOMMENDED DATE
☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

YOU ARE HEREBY AUTHORIZED TO CONDUCT THE ABOVE DESCRIBED ACTIVITY

[Signature] 8-3-15 2-3-16
APPROVAL SIGNATURE EFFECTIVE DATE EXPIRATION DATE
☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

Completed work inspected and approved by: _____ Date _____

☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

S-88127 White County

-Office File
-County Inspector

SUBMIT TO: DOUGLAS COUNTY PUBLIC WORKS DEPT.
ROOM 304, COUNTY COURTHOUSE

AUG 31 2015

SALEM, OR

CONTRACT FOR PURCHASE OF AGRICULTURAL WATER FROM GALESVILLE PROJECT

This contract is made on _____, 20__ between Douglas County, a political subdivision of the State of Oregon, ("County"), and Joseph & Deborah Russi, ("Customer").

COUNTY AND CUSTOMER AGREE:

1 TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on March 1, 2015 and end on December 31, 2025, 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 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.

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.

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SALEM, OR

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.

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 sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 10.00 acres. This allocation shall not exceed 22.30 acre feet per irrigation season as specified on the attached Exhibit A.

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, or as otherwise may be required by the OWRD.

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.

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6 DIVERSION AND USE OF WATER:

SALEM, OR

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 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 agricultural 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 diversion of any water under this contract.

7 QUALITY OF WATER:

7.1. 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.

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SALEM, OR

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 \$432.50 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.

11.4. The allocation price for each renewal term shall not be increased by more than 10% over the previous term.

11.5. 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.

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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).

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, that provision shall 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.

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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: 530 488 6216
Joseph & Deborah Russi
PO Box 73 Umpqua, OR 97486 / 6569 Tyee Road Umpqua, OR 97486

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.

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 Customer 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

By [Signature]

Print Name Joe Russi

Date Aug 27 2015

Cell # 530-488-6216

DOUGLAS COUNTY

By _____
Robert G. Paul, P.E., Director of Public Works Department, Authority to sign contract granted by order of Board of County Commissioners, dated August 14, 2002.

Date _____

REVIEWED AS TO CONTENT

By _____
Division Manager
Date _____
Coding 215-0000-2810-00-012010

REVIEWED AS TO FORM

By _____
County Legal Counsel
Date _____

S-88127

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EXHIBIT A

SALEM, OR

COMPUTATION OF RATE:

PRIMARY IRRIGATION

1. 10.00 acres of **primary irrigation**. This allocation shall not exceed **2.23** acre feet per acre each irrigation season.

Acre Feet: 22.30 Annual Cost: \$ 432.50

SUPPLEMENTAL IRRIGATION

2. Rights whose priority is between March 26, 1974, and November 3, 1983:

 acres of **supplemental irrigation**. This allocation shall not exceed **1.5** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **1.0** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: Annual Cost: \$

3. Rights whose priority is between October 24, 1958, and March 26, 1974:

 acres of **supplemental irrigation**. This allocation shall not exceed **1.0** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **0.6** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: Annual Cost: \$

4. Rights whose priority is prior to October 24, 1958:

 acres of **supplemental irrigation**. This allocation shall not exceed **0.5** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **0.3** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet: Annual Cost: \$

Note: Instream delivery losses are not included in the above allocations.

Summary:

| | | |
|-------------------|------------------|-----------|
| Total Acres: | <u>10.00</u> | acres |
| Total Allocation: | <u>22.30</u> | acre feet |
| Total Cost: | <u>\$ 432.50</u> | |