

# 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 B & B ROADS INC.			PHONE (HM)
PHONE (WK) 541-679-6754	CELL 541-430-3635	FAX	
ADDRESS 1086 DAIRY LOOP RD.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL * BBROADS@DOUGLASFAST.NET

### 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.)

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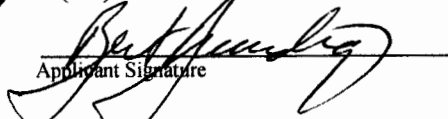
By my signature below I confirm that I understand:

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

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

  
Applicant Signature  
Applicant Signature

BERT BRUNDICE  
Print Name and title if applicable  
Print Name and title if applicable

12/18/2015  
Date  
Date

Revise	App. No. <u>S-6848</u>	For Department Use Permit No. _____	Date _____
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**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*).

\_\_\_\_\_

*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: Ben Irving Reservoir

Tributary to: Olalla Ck.> Lookingglass Ck.

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**

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

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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.)

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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
Ben Irving Reservoir	2 acre feet for Commercial use.	Year-round	2.0 <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: \_\_\_\_\_ 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 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): 2 1/2 HP

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)

Pipeline from pump to office/shop & aggregate storage area. Water will be distributed through spigots and hoses.

### 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.

Flowmeter will be installed prior to diverting water.

## 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 screen will be installed.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: None planned.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: None planned

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

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: System already in place

Date construction will be completed: System already in place

Date beneficial water use will begin: Upon issuance of permit

**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 Lookingglass Olalla Water Control District	Address P.O. Box 1579	
City Roseburg	State OR	Zip 97471

**SECTION 9: REMARKS**

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

INDUSTRIAL MIGHT BE A BETTER  
 USE.  
 KR 12/23/2015

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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: B & B Roads Inc.  
First Last

Mailing Address: 1086 Dairy Loop Road

Roseburg OR 97471 Daytime Phone: 541-679-6754  
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:
T28S	R7W	2C	SESW	1600		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
T28S	R7W	2C	SESW	2100		<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: 2.0  
 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:

Commercial use (2.0 acft Ben Irving Reservoir stored water purchased under contract from LOWCD) to include but not limited to dust control and equipment washing/cleaning.

**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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S-80158

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RCPA P 22157  
 R 45059  
 R 45241  
 R 141702

## For Local Government Use Only

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

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

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.8.80

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.

R 45059  
 R 45241  
 R 141702  
 WS15-0964

}

Zone: 5

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

SALEM, OR

Name: Jennifer Arnold Title: Planner  
 Signature: Jennifer Arnold Phone: 541-440-4289 Date: 12-14-15  
 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: \_\_\_\_\_

5-88158



\* - - Property Data Selection Menu - -

Owner: B & B ROADS INC  
 Prop ID : R45241 (10590.59) (119606) 1086 DAIRY LOOP RD  
 Map Tax Lot: 28-07W-02C-02100 ROSEBURG, OR 97471  
 Legal : TRACT M&B INST 72-5714 (IN FIRE)  
 SEE R141702 FOR BAL TL, ACRES 5.00

Situs : 1086 DAIRY LOOP RD Year Built : 1977; ; \*  
 ROSEBURG, OR 97471 Living Area: 2031; 4000; \*

Name(s) :

Area : 11616

Sale Info : 06/29/00 \$140,000

Deed Type : BARGAIN

Instrument: 2000-13852

2015 Tax Status \* No Taxes Due \*

Current Levied Taxes : 2,302.73

Special Assessments : 66.25

2015 Roll Values

RMV Land	\$	75,000	(+)
RMV Improvements	\$	208,460	(+)
RMV Total	\$	283,460	(=)
Total Exemptions	\$	0	
M5 Net Value	\$	283,460	
M50 Assd Value	\$	277,650	

(AD) Alt Disp  
(H)istory

(Y) primary  
(W) Spec Assmt

(L)and/Impr  
(C)omp Sales

(O)wnership  
(.) More

Enter Option from Above or <RET> to Exit: \_\_

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5-00128

\* - - Property Data Selection Menu - -

Prop ID : R45059 (10590.05) Owner: BRUNDIGE & POPKEN TRUCKING I  
 Map Tax Lot: 28-07W-02C-01600 (22397) 1086 DAIRY LOOP RD  
 Legal : TRACT PT M&B INST 69-8159: PT M&B ROSEBURG, OR 97471  
 INST 69-8163: LESS PT SD, ACRES\*

Situs : 0 DAIRY LOOP RD Year Built :  
 ROSEBURG, OR 97471 Living Area:

Name(s) : 2015 Roll Values  
 Area : 11609 RMV Land Non-LSU \$ 12,320 (+)  
 Sale Info : RMV Land LSU \$ 25,180 (+)  
 Deed Type : RMV Improvements \$ 0 (+)  
 Instrument: RMV Total \$ 37,500 (=)  
 2015 Tax Status \* No Taxes Due \* Land LSU \$ 2,159  
 Current Levied Taxes : 70.77 Total Exemptions \$ 0  
 Special Assessments : 18.75 M5 Net Value \$ 14,918  
 M50 Assd Value \$ 8,773

(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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5-88/58

2000-13852

BOOK 1697 PAGE 667

After Recording Return to:  
 B & B Roads, Inc.  
 1086 Dairy Loop Road  
 Roseburg, Oregon 97470

HANDED

Until a change is requested all tax  
 statements shall be sent to the following  
 address:  
 B & B Roads, Inc.  
 1086 Dairy Loop Road  
 Roseburg, Oregon 97470

**BARGAIN AND SALE DEED - STATUTORY FORM**

Anthony Hill, as Trustee of those certain Trusts established by written agreements dated August 7, 1990, and restated by written agreements dated September 22, 1998, and which individual Trusts are known as the Frank Brundige Trust and the Mildred A. Brundige Trust, and as Personal Representative of the Estate of Frank Brundige to the extent said estate may claim any interest in the properties described in the attached Exhibit A, Grantors, convey to B & B Roads, Inc., Grantee, the real property described on the said attached Exhibit A.

"Legal description on attached Exhibit A"

The true consideration for this conveyance is \$140,000.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 29th day of June, 2000.

*Anthony Hill Trustee*  
 Anthony Hill, Trustee of the Frank Brundige Trust and the Mildred A. Brundige Trust.

STATE OF OREGON        )  
                               )  
 County of Douglas     )        ss.

This instrument was acknowledged before me on June 29th, 2000, by Anthony Hill, Trustee of the Frank Brundige Trust and the Mildred A. Brundige Trust.



*Lisa J Di Stefano*  
 Notary Public for Oregon

BARGAIN & SALE DEED

Page 1

S:\BRUNDIG\Estate\BAS Deed from Trustee and Estate for B&B.wpd

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SALEM, OR

S-88158

EXHIBIT "A"

Beginning at a 5/8 inch iron rod from which the Northeast corner of D.L.C. No. 40 bears North 2833.05 feet and East 4006.55 feet; thence North 64 degrees 25'30" West 420.00 feet to a 5/8 inch iron rod; thence along the Easterly line of a 60 foot roadway, North 25 degrees 34'30" East 185.66 feet to a point; thence along the Southerly line of that parcel of land described in Instrument NO. 70-10525, Deed Records, South 83 degrees 41' East 450.75 feet to a point; North 10 degrees 08' East 179.30 feet to a point; and North 86 degrees 30' East 170.0 feet to a point; thence South 486.20 feet to a point; thence West 350.56 feet to the place of beginning. Said parcel is located in Section 2, Township 28 South, Range 7 West, Willamette Meridian, County of Douglas, and State of Oregon.

TOGETHER WITH that certain Right of Way easement as described in Instrument No. 77-9775, Book 636, at Page 397, Records of Douglas County, Oregon.

SUBJECT TO:

- (1) The rights of the public in and to that portion of the herein described property lying within the limits of roads or highways.
- (2) Regulations, including levies, liens, assessments, rights of way and easements of the potential Olalla-Lookingglass Water District.

STATE OF OREGON |  
COUNTY OF DOUGLAS |  
I, DOYLE SHAVER JR., COUNTY CLERK AND  
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY  
THAT THIS INSTRUMENT WAS RECORDED

00 JUN 30 PM 2:45

DOYLE SHAVER JR.  
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *G. J. Bennett*

DEPT 210  
FEE 50  
26001

2000-13852

Exhibit "A"

Page 1

S:\B\BRUNDM\Errata\ExA B&B Roads.wpd

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2-88/58

KNOW ALL MEN BY THESE PRESENTS, that NORTHWEST PROPERTIES, INC. a corporation duly organized and existing under the laws of the State of Oregon, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto BRUNDIGE & POPKEN TRUCKING, INC. an Oregon corporation, hereinafter called grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas, and State of Oregon, described as follows, to-wit:

That certain real property described in Exhibit A attached hereto and by this reference made a part hereof as if fully written herein.

act as  
Brundige & Popken Inc  
Trucking & Inc  
one & the same

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 6,439.49

~~However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which):~~

In construing this deed the singular includes the plural as the circumstances may require.

Done by order of the grantor's board of directors with its corporate seal affixed, this 7 day of Feb, 1972

NORTHWEST PROPERTIES, INC.

(CORPORATE SEAL)

By Shirlene Hanberg President

By Lila Roth Secretary

STATE OF OREGON, County of Douglas) ss: Feb 7, 1972  
Personally appeared Shirlene Hanberg and Lila Roth

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of Northwest Properties, Inc., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: William C. Cochran  
Notary Public for Oregon

(OFFICIAL SEAL)

My commission expires: Jan 1, 1976

NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

Bargain and Sale Deed Corporation

STATE OF OREGON, }  
County of \_\_\_\_\_ } ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book \_\_\_\_\_ on page \_\_\_\_\_ Record of Deeds of said County.

Witness my hand and seal of \_\_\_\_\_ County affixed.

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No.

WHEN RECORDED RETURN TO

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Beginning at a 5/8 inch iron rod set in the East line of that tract of land described in Volume 123, Instrument No. 51768 (Hodges, et al. to Dysert) said rod being 3419.82 feet West and 2221.69 feet South of the Northeast corner of Donation Land Claim No. 40, Township 28 South, Range 7 West, Willamette Meridian; thence South 0° 01' 30" West, along said East line, 1893.46 feet to a 5/8 inch iron rod; thence, along a South line of said Dysert property South 89° 42' West 294.44 feet to a 5/8 inch iron rod; thence along the East line of said Dysert property, South 1° 05' West 591.78 feet to a 5/8 inch iron rod; thence along the South line of said Dysert property North 89° 32' 40" West 2596.71 feet to a 5/8 inch iron rod set in the East line of County Road No. 108; thence along the East line of said County Road North 0° 07' East 1869.32 feet to a 5/8 inch iron rod; thence South 89° 59' East along the South line of a 20 Acre parcel described in Volume 81, Instrument No. 42308 (Chenoweth to Marsh) 1144.8 feet to a 5/8 inch iron rod; thence along the East line of said Marsh parcel, North 0° 07' East 755.5 feet to a 5/8 inch iron rod; thence East along the North line of the above mentioned Dysert property 673.20 feet to a 5/8 inch iron rod; thence North along a West line of said Dysert property 82.5 feet; thence downstream along the centerline of a creek, South 76° 05' East 36.66 feet, South 47° 30' East 214 feet, North 46° 30' East 211 feet, South 72° 10' East 65 feet, South 25° 00' East 62 feet, South 75° 35' East 191 feet, North 69° 20' East 105 feet, North 33° 15' East 111 feet, South 28° 35' East 140 feet, East 99 feet, South 45° 00' East 68 feet; thence South 52° 02' East 110.56 feet to the place of beginning. The above described parcel is situated in Sections 2, 3, 10, and 11, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

Said property is subject to:

a. Permanent easement, including the terms and provisions thereof, for drainage ditch, granted by Perry Dysert and Marjorie Dysert, husband and wife, and William W. Dysert to Douglas County, dated October 11, 1965, recorded November 9, 1965, Book 360, Recorder's No. 65-13967, Records of Douglas County, Oregon.

b. Water system easement, including the terms and provisions thereof, granted to Lookingglass Water Association, Inc., dated October 6, 1966, recorded November 18, 1966, Book 382, Recorder's No. 66-12748, Records of Douglas County, Oregon.

EXCEPTING THEREFROM THE FOLLOWING:

Beginning at a 5/8" iron rod from which the Northeast corner D.L.C. #40, T. 28 S., R. 7 W., W.M., bears North 4701.91 ft. and East 4554.48 ft.; thence N. 12° 26' 30" E. 701.29 ft. to a 5/8" iron rod; thence N. 89° 32' 40" W. 548.19 ft. to a 5/8" iron rod; thence, along the easterly line of a 60 ft. wide roadway, S. 14° 03' W. 703.77 ft. to a 5/8" iron rod and S. 14° 03' W. 2.00 ft. to a point; thence, along the South line of that tract of land described in instrument number 51768 (Hodges et al to Dysert) Deed Records of Douglas County, Oregon, S. 89° 32' 40" E. 568.44 ft. to the place of beginning. The above-described parcel is situated in Section 11, T. 28 S., R. 7 W., W.M., and contains 8.79 acres, more or less.

*Should also exc 4025 Ac See Inst 72-12326*

Beginning at a 5/8" iron rod from which the N.E. corner of D.L.C. #40, T. 28 S., R. 7 W., W.M., bears East 3419.67 feet and North 2332.24 feet; thence, along the east line of lands described in Vol. 123, Instrument #51768 (Hodges et al to Dysert) Deed Records, N. 0° 01' 30" E. 110.55 feet to a 5/8" iron rod; thence N. 52° 02' W. 110.56 feet to a point in the center of a creek; thence, along the center of said creek, N. 45° 00' W. 68.0 feet; N. 24° 12' W. 124.85 feet; N. 87° 05' W. 113.46 feet; S. 33° 15' W. 111.00 feet; S. 69° 20' W. 105.00 feet; N. 75° 35' W. 191.00 feet, and N. 25° 00' W. 46.32 feet to the intersection of the center of said creek and the easterly line of a 60 ft. wide roadway; thence along said easterly line, S. 25° 34' 30" W. 57.45 ft. to a 5/8" iron rod, S. 25° 34' 30" W. 365.01 feet to a 5/8" iron rod and S. 25° 34' 30" W. 88.73 feet to a 5/8" iron rod; thence S. 83° 42' E. 450.75 feet to a 5/8" iron rod; thence N. 10° 08' E. 179.30 feet to a 5/8" iron rod; thence N. 86° 30' E. 406.69 feet to

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b. Water system easement, including the terms and provisions thereof, granted to Lookingglass Water Association, Inc., dated October 6, 1966, recorded November 16, 1966, Book 382, Recorder's No. 66-12748, Records of Douglas County, Oregon.

72 5713

EXCEPTING THEREFROM THE FOLLOWING:

Beginning at a 5/8" iron rod from which the Northeast corner D.L.C. #40, T. 28 S., R. 7 W., W.M., bears North 4701.91 ft. and East 4554.48 ft.; thence N. 12°26'30" E. 701.29 ft. to a 5/8" iron rod; thence N. 89°32'40" W. 548.19 ft. to a 5/8" iron rod; thence along the easterly line of a 60 ft. wide roadway, S. 14°03' W. 703.77 ft. to a 5/8" iron rod and S. 14°03' W. 2.00 ft. to a point; thence, along the South line of that tract of land described in instrument number 51768 (Hodges et al to Dysert) Deed Records of Douglas County, Oregon, S. 89°32'40" E. 568.44 ft. to the place of beginning. The above-described parcel is situated in Section 11, T. 28 S., R. 7 W., W.M., and contains 8.79 acres, more or less.

*See map 72-2316*

Beginning at a 5/8" iron rod from which the N.E. corner of D.L.C. #40, T. 28 S., R. 7 W., W.M., bears East 3419.67 feet and North 2332.24 feet; thence, along the east line of lands described in Vol. 123, Instrument #51768 (Hodges et al to Dysert) Deed Records, N. 0°01'30" E. 110.55 feet to a 5/8" iron rod; thence N. 52°02' W. 110.56 feet to a point in the center of a creek; thence, along the center of said creek, N. 45° 00' W. 68.0 feet; N. 24°12' W. 124.85 feet; N. 87°05' W. 113.46 feet; S. 33°15' W. 111.00 feet; S. 69°20' W. 105.00 feet; N. 75°35' W. 191.00 feet, and N. 25°00' W. 46.32 feet to the intersection of the center of said creek and the easterly line of a 60 ft. wide roadway; thence along said easterly line, S. 25°34'30" W. 57.45 ft. to a 5/8" iron rod, S. 25°34'30" W. 365.01 feet to a 5/8" iron rod and S. 25°34'30" W. 88.73 feet to a 5/8" iron rod; thence S. 83°42' E. 450.75 feet to a 5/8" iron rod; thence N. 10°08' E. 179.30 feet to a 5/8" iron rod; thence N. 86°30' E. 406.69 feet to the point of beginning.

*10590.57*

The above-described parcel is situated in Sec. 2, T. 28 S., R. 7 W., W.M. and contains 6.30 acres, more or less.

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*C-8018*

**LOOKINGGLASS OLALLA WATER CONTROL DISTRICT  
AGREEMENT FOR PURCHASE OF STORED WATER**

AGREEMENT made this 18<sup>th</sup> day of December, 2015 between  
LOOKINGGLASS OLALLA WATER CONTROL DISTRICT  
and B & B Roads

**WATER RIGHTS  
NOTES**  
New water right pending

**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 ¼ SECTION
Commercial	N/A	2 Ac. Ft.	28S	7W	2	TL 1600

DOMESTIC

MUNICIPAL

SUB-DISTRICT

INDUSTRIAL

**TYPE AND TERM OF AGREEMENT / FEES:**

AGREEMENT TYPE	BEGINNING DATE	RENEWAL DATE	METER READING FEE	ADMINISTRATION FEE (ANNUAL)	USE FEE
METERED	12-18-15	1-1-2023	None	\$165.00	AS PER ATTACHED EXHIBIT "A"

New Contract Fee \$ 125.00

2016 Administration Fee \$165.00

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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 Exhibit 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 administration fee, the meter reading fee and the use fee shall be non-refundable and 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 18% 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, 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 Irrigation Consumers shall use a meter approved by the State of Oregon and the District. Domestic users shall comply with conditions contained within their approved permit from State Water Resources.

3. Use of Water

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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, municipal (only if the Consumer is a municipality), industrial, and multipurpose.

3.2 The Consumer agrees not to use, or allow others to use, the water provided under this agreement for domestic purposes, unless the Consumer is a municipality. The Consumer acknowledges that the water provided under this agreement has not been treated or tested as suitable for drinking water. 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 domestic purposes. "Domestic purposes" means use of water for human consumption or household purposes; "domestic purposes" does not include use of water for lawn, garden, yard, or small-scale livestock watering, which are residential irrigation uses.

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, 2023. 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-current term.

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5. 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 irrigation season, unless the contract is terminated prior to the start of irrigation season (March 1).

6. Termination and Reinstatement of Contract by District.

The District may terminate for cause any person's right to receive water under an irrigation 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 an irrigation contract for any of the following causes:

6.1 Non-payment of irrigation 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.

6.2 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.

6.3 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.

6.4 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.

In all cases, the District's decision to terminate or reinstate an irrigation 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.

7. Allocation of Water in Drought Years.

In the event of a drought year (e.g., 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

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efforts to evenly allocate water to all Consumers by an across-the-board percentage cut in allocations. For example, if the reservoir level requires a 25% cut in allocations, the District shall use reasonable efforts to assure that all Consumers shall have their allocations cut 25%, i.e., each Consumer shall receive 75% of his or her contracted 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.

#### 8. Water Rights.

The District shall be responsible for obtaining all 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 necessary water rights, permits or certificates from the State of Oregon for use of the stored water provided under this contract. The Consumer shall also be responsible for any other permits necessary to use water provided under this agreement.

#### 9. 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 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.

#### 10. Miscellaneous.

10.1 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.

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

10.3 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.

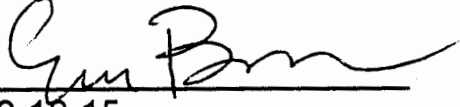
10.4 This agreement inures to the benefit of the parties hereto and their respective successors and assigns.

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10.5 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:   
Date 12-18-15  
Representing District

BY:   
Date 12-18-15  
Consumer (Landowner / Agent)

PHONE: 541-679-6754

FAX \_\_\_\_\_

E-mail \_\_\_\_\_

Billing Address:  
1086 Dairy Loop Rd.  
Roseburg, Oregon  
97471

Physical Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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EFFECTIVE JANUARY 2014 through DECEMBER 2023

TYPE OF USER	ANNUAL ADMINISTRATION FEE	ANNUAL METER READING FEE	ANNUAL RATE OF USE FEE	COMMENTS
IRRIGATION (METERED)	\$125.00	\$160.00 PER METER	\$12.00 PER ACRE FOOT	METER REQUIRED
IRRIGATION SUB DISTRICT (UP TO 4 IRRIGATORS) EACH ADDED IRRIGATOR	\$250.00 \$75.00	\$160.00 PER METER	\$12.00 PER ACRE FOOT	MASTER METER REQUIRED
MUNICIPAL/QUASI MUNICIPAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
INDUSTRIAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
DOMESTIC	\$165.00	NO METER REQUIRED	\$128.00 PER DWELLING - NO MORE THAN 3 DEWLLINGS PER CONTRACT	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM - CURRENTLY NO METER REQUIRED
MULTIPLE USE	TO BE DETERMINED	\$160.00 PER METER	\$64.00 PER ACRE FOOT	METER REQUIRED
SUB DISTRICT DOMESTIC, UP TO 3	\$165.00	\$160.00 PER METER	\$64.00 PER ACRE FOOT	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM - CURRENTLY NO METER REQUIRED
Truck washing, dust control	\$165.00	none	\$70.00 2 acre feet maximum	Meter not required

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