

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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.oar). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that **RECEIVED BY OWRD** are deemed appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

-
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt **See Attachment A**
 - Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **See Attachment B**
 - Fees - Amount enclosed: \$990.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: **See Attachment C**

-
- Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
 - Other:

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME AZALEA ROJO, LLC C/O AMPS		PHONE 541-492-3100	FAX
ADDRESS PO BOX 806			CELL
CITY WINCHESTER	STATE OR	ZIP 97495	EMAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC.		PHONE 541-257-9004	FAX 541-754-4211
ADDRESS 1600 SW WESTERN BLVD, SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

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.)

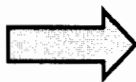
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By my signature below I confirm that I understand:

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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.

Carlynn Bailey Applicant Signature Carlynn Bailey Print Name and title if applicable 11/8/2016 Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. <u>S-88341</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*).

N/A

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. See Attachment B for the legal description of where the water will be diverted, conveyed, and used.

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: Berry Creek

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).

Water right Certificates 80425 and 89035, in the name of Douglas County (See Attachment D). The Lookingglass-Olalla Water Control District is responsible for managing and issuing contracts for the water stored under these water rights.

B. Applications to Use Stored Water

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

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.) **See Attachment E.**

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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	Irrigation	March 1—October 31	3.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:

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

Primary: 2.3 Acres Supplemental: 0 Acres

List the Permit or Certificate number of the underlying primary water right(s): Please see additional remarks in Section 9.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 3.0 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

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A. Diversion and Conveyance

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

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Pump (give horsepower and type): To be determined

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Other means (describe): _____

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

The Applicant intends to construct a trench in the creek bed and place a perforated pipe in the trench. The pipe will be covered with a fabric cover and non-native gravel. The water will be piped to a bulge in the system. Water will be conveyed to the place of use via pipelines.

B. Application Method

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

The place of use will be irrigated using drip irrigation.

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.

The Applicant is requesting this permit to authorize the use of up to 3.0 acre-feet of stored water for which the Applicant has requested a contract from the Lookingglass-Olalla Water Control District. The point of diversion will be equipped with a flowmeter to measure water diverted from Lookingglass Creek. The flowmeter will record the amount of water pumped in an effort to prevent waste. The proposed use of stored water is not expected to cause damage to public uses of Lookingglass Creek.

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.

N/A Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: To prevent uptake of fish and other aquatic life, the Applicant is not requesting to place an intake pipe into the creek. Instead, water will be diverted via a perforated pipe in the stream bed that is covered with non-native gravels.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: During construction, excavation or clearing of banks during construction will be kept to a minimum and efforts will be made to protect riparian and streamside areas.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: During construction, equipment will only be operated in the creek during the in-water work period. Use of water under this permit will not require operating equipment in the creek.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: The Applicant will protect water quality by preventing erosion to the maximum extent possible.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 5 years of permit issuance

Date construction will be completed: Within 5 years of permit issuance

Date beneficial water use will begin: Within 5 years of permit issuance

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 PO Box 1579	
City Roseburg	State Oregon	Zip 97470

SECTION 9: REMARKS

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

The Applicant is requesting a water use permit to divert up to 3 acre-feet of stored water from Ben Irving Reservoir for irrigation of 2.3 acres. The point of re-diversion will be located on Lookingglass Creek. The Applicant has requested a contract for the use of stored water from Lookingglass-Olalla Water Control District (LOWCD), which manages the water from Ben Irving Reservoir.

The majority of the Applicant's property is associated with Permit S-46786, which is held by LOWCD. However, the 2.3-acre proposed place of use is not within the place of use of the LOWCD permit.

Note: Discrepancies exist between required mapping layers for the application map. To clarify, the proposed point of re-diversion is located on the East side of Lookingglass Creek.

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Attachment A
Land Use Form

Application for Permit to Use Surface Water - Azalea Rojo (Joers)

S-88341

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
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Applicant: Azalea Rojo, LLC c/o AMPS
First Last

Mailing Address: PO Box 806

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Winchester
City

OR
State

97495
Zip

Daytime Phone: 541-492-3100

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A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
28S	7W	27	NE, SW	200	AGG, FFT	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
28S	7W	27	NE, SW	401		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
28S	7W	27	SW, SW	401		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
28S	7W	27	SE, SW	401		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
28S	7W	34	NE, NW	301		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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 Ben Irving Reservoir
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: 3.0
 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:

The Applicant is requesting a water use permit to divert 3.0 acre-feet of stored water from Ben Irving Reservoir for irrigation of 2.3 acres of farmland. The point of re-diversion will be located on Lookingglass Creek. The Applicant has requested a contract for the use of stored water from Lookingglass-Olalla Water Control District (LOWCD), which manages the water from Ben Irving Reservoir.

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

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): 3.3.050
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<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 47502
R 145337

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

Name: Jeff Lehrbach Title: Planner

Signature: Jeff Lehrbach Phone: 541-440-4289 Date: 11/30/16

Government Entity: Douglas County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Attachment B
Legal Description of Property
Application for Permit to Use Surface Water - Azalea Rojo (Joers)

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EXHIBIT "A"
LEGAL DESCRIPTION

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Parcel 1:

A parcel of land lying in the Southwest and Southeast quarters of Section 27 as well as the Northeast and Northwest quarters of Section 34, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon. Said parcel being a portion of the land described in Instrument No. 2001-5603 of the Deed Records of Douglas County, Oregon and being more particularly described as follows.

That portion of the land described in Instrument No. 2001-5603 of the Deed Records of Douglas County that begins at a 5/8" iron rod on the easterly right-of-way of Olalla Road, County Road No. 38, that bears N 87°19'35" W 816.10 feet from the Brass Cap marking the Northeast Corner of the John Olmstead D.L.C. No. 53; thence S 85°10'26" E 148.69 feet to a 5/8" iron rod; thence S 89°26'06" E 88.61 feet to a 5/8" iron rod; thence S 32°04'50" E 476.11 feet to a 5/8" iron rod; thence S 50°49'58" W 133.40 feet to a 5/8" iron rod; thence S 49°12'54" W 266.01 feet to a 5/8" iron rod; thence S 31°36'31" W 318.75 feet; thence S 65°06'27" W 97.45 feet to a 5/8" iron rod; thence S 31°20'23" W 442.29 feet to a 5/8" iron rod; thence S 9°50'02" E 246.97 feet to a 5/8" iron rod; thence S 12°52'10" W 241.10 feet to a 5/8" iron rod; thence S 12°59'00" W 391.24 feet to a 5/8" iron rod; thence S 19°03'39" W 405.53 feet to a 5/8" iron rod; thence S 1°13'03" W 348.57 feet to a 5/8" iron rod on an existing fence line; thence N 87°05'04" W 330.29 feet along said fence line to a 5/8" iron rod; thence N 86°12'36" W 252.26 feet along said fence line to a 5/8" iron rod at a fence corner; thence N 1°12'48" E 655.01 feet along a fence line to a 5/8" iron rod at a fence corner; thence N 88°17'54" W 210.22 feet along a fence line to a 5/8" iron rod; thence N 89°15'19" W 265.61 feet along a fence line to a 5/8" iron rod; thence N 87°53'44" W 183.02 feet along a fence line to a 5/8" iron rod; thence N 80°42'59" W 10.25 feet along a fence line to a 5/8" iron rod on the eastern right-of-way of County Road No. 38; thence N 16°13'30" E 976.39 feet along said right-of-way to a 5/8" iron rod; thence S 73°46'30" E 5.00 feet to a 5/8" iron rod at a jog in said right-of-way; thence 764.10 feet along the arc of a 1125.92 foot radius curve to the right, the chord of which bears N 35°57'09" E 749.52 feet, to a 5/8" iron rod; thence continuing along said right-of-way N 56°15'27" E 1273.18 feet to a 5/8" iron rod, the place of beginning.

ALSO that portion of the land described in Instrument No. 2001- 5603 of the Deed Records of Douglas County, Oregon that lies southerly of that land described in Volume 205, Page 256 of the Deed Records of Douglas County, Oregon and between the westerly right-of-way of Olalla Road, County Road No. 38, and the center of Olalla Creek.

Parcel 2:

A parcel of land lying in the Southwest quarter of Section 27 and the Southeast quarter of Section 28, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon. Said parcel being a portion of the land described in Instrument No. 2001-5603 of the Deed Records of Douglas County, Oregon and being more particularly described as follows.

All that portion of the land described in Instrument No. 2001-5603 of the Deed Records of Douglas County, Oregon that lies southerly of the center of Tenmile Creek and both westerly of the center of Olalla Creek and easterly of the eastern boundary of the Thomas Ollivant D.L.C. No. 51.

Parcel 3:

A parcel of land lying in the Southwest quarter of Section 27 and the Southeast quarter of Section 28, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon. Said parcel being a portion of the land described in Instrument No. 2001-5603 of the Deed Records of Douglas County, Oregon and being more particularly described as follows.

5-88541

That portion of the land described in Instrument No. 2001-5603 of the Deed Records of Douglas County, Oregon that lies northerly of the center of Tenmile Creek.

Parcel 4:

A parcel of land lying in the Southwest and Southeast quarters of Section 27, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon. Said parcel being a portion of the land described in Instrument No. 2001-5603 and being more particularly described as follows.

Beginning at a point on the northern boundary of the land described in Instrument No. 2001-5603, also being the northern boundary of the John Olmstead D.L.C. No. 53, that bears N 88°04'17" W 959.43 feet from the Brass Cap marking the Northeast Corner of the John Olmstead D.L.C. No. 53; thence S 56°15'27" W 769.16 feet to a 5/8" iron rod; thence N 58°34'53" W 182.48 feet to a 5/8" iron rod; thence N 49°40'00" W 167.47 feet to a 5/8" iron rod; thence N 49°46'55" W 199.03' to the center of Olalla creek; thence downriver along the center of Olalla Creek N 41°53'19" E 17.34 feet, N 67°20'10" E 18.01 feet, N 48°20'13" E 28.91 feet, N 42°21'48" E 17.22 feet, N 77°05'56" E 14.69 feet, S 88°32'52" E 33.93 feet, S 87°43'13" E 21.12 feet, S 84°54'14" E 27.47 feet, S 88°58'10" E 30.02 feet, N 82°49'43" E 30.60 feet, N 59°23'39" E 25.26 feet, thence N 32°53'22" E 65.56 feet to a point on the northern boundary of the John Olmstead D.L.C. No. 53; thence along said line S 88°04'17" E 800.67 feet to the point of beginning.

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Attachment C
Application Maps

Application for Permit to Use Surface Water - Azalea Rojo (Joers)

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Attachment D
Water Right Certificates 80425 and 89035
Application for Permit to Use Surface Water - Azalea Rojo (Joers)

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STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUGLAS COUNTY WATER RESOURCES SURVEY
1036 SE DOUGLAS AVENUE, ROOM 306
ROSEBURG, OREGON 97470

confirms the right to store the waters of BERRY CREEK, a tributary of OLALLA CREEK, in BEN IRVING RESERVOIR, appropriated under Permit No. 46786, for IRRIGATION, DOMESTIC, AND GENERAL PARK USE.

The right to store these waters was perfected under Reservoir Permit R-8444. The date of priority is SEPTEMBER 2, 1980. The amount of water entitled to be stored each year under this right is not more than 8,500 ACRE-FEET (AF); BEING 8446 AF FOR IRRIGATION, 50 AF FOR DOMESTIC USE AND 4.0 AF FOR GENERAL PARK USE.

The reservoir is located as follows:

SW~~X~~
SECTION 17

NE~~X~~ SW~~X~~
S~~X~~ SW~~X~~
SE~~X~~
SECTION 18

NW~~X~~ NW~~X~~
SECTION 19

W~~X~~ NE~~X~~
N~~X~~ NW~~X~~
SE~~X~~ NW~~X~~
SECTION 20

TOWNSHIP 29 SOUTH, RANGE 7 WEST, W.M.

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The dam shall be operated and maintained according to the approved plans and specifications on file with the Water Resources Department.

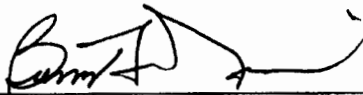
The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

This certificate describes that portion of the water right confirmed by Certificate 80057, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 26 2003, approving Transfer Application 9396.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources

Director, affixed AUG 26 2003.


61 Paul R. Cleary, Director

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Recorded in State Record of Water Right Certificates numbered 80425.

STATE OF OREGON
 COUNTY OF DOUGLAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUGLAS COUNTY NATURAL RESOURCES
 1036 SE DOUGLAS AVE ROOM 306
 ROSEBURG OR 97470

confirms the right to store the waters of BERRY CREEK, tributary to OLALLA CREEK in BEN IRVING RESERVIOR, for MULTIPURPOSE USE.

This right was perfected under Permit R-8444. The date of priority is SEPTEMBER 2, 1980. The amount of water to which this right is entitled to be stored under this right, is limited to an amount actually used beneficially, and shall not exceed 500.0 ACRE FEET, or its equivalent in case of rotation, measured at the point of diversion.

The reservoir is located as follows:

Twp	Rng	Mer	Sec	GLot	Q-Q
29 S	7 W	WM	17		SW ¼
29 S	7 W	WM	18		NE ¼ SW ¼
29 S	7 W	WM	18		S ½ SW ¼
29 S	7 W	WM	18		SE ¼
29 S	7 W	WM	19	4	NW ¼ NW ¼
29 S	7 W	WM	20		W ½ NE ¼
29 S	7 W	WM	20		N ½ NW ¼
29 S	7 W	WM	20		SE ¼ NW ¼
29 S	7 ½ W	WM	13		SE ¼ NE ¼

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The right to store and use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The dam shall be operated and maintained according to the approved plans and specifications on file with the Water Resources Department.

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NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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This certificate is issued to confirm a change in CHARACTER OF USE approved by an order of the Water Resources Director entered AUGUST 26, 2003, at Special Order Volume 58, Page 57, approving Transfer Application 9396, and together with Certificate 80425, supercedes Certificate 80057, State record of Water Right Certificates.

Issued JAN 31 2014



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director
Oregon Water Resources Department

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Attachment E
Letter to Reservoir Operator
Application for Permit to Use Surface Water - Azalea Rojo (Joers)

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Agriculture Business Solutions

Kenneth L. Warlick
Chief Investment Officer

AgIS Capital LLC
8611 Concord Mills Boulevard
Unit 164
Concord, NC 28027
Phone: 704 604 2587

July 5, 2016

Mr. Evan Barnes
Lookingglass-Olalla Water Control District
PO Box 1579
Roseburg, OR 97470

Re: Contract for use of stored water for Olalla Rd. (Joers) Property

Dear Mr. Barnes:

On behalf of Azalea Rojo, LLC I am requesting a contract from the Lookingglass-Olalla Water Control District (District) for stored water from Ben Irving Reservoir for irrigation purposes. The point of re-diversion will be located in Township 28 South, Range 7 West, Section 27 as shown on the attached map. The stored water will be used to irrigate 69.6 acres, which are also shown on the attached map. I am requesting a maximum volume of 70 acre-feet of stored water per year. The acres to be irrigated are located within the District's boundaries.

We are currently in the process of developing a water use permit application for the use of this stored water, which will be submitted to the Oregon Water Resources Department. I am aware the District holds Permit S-46786, which authorizes irrigation on some, but not all, of Azalea Rojo's proposed place of use. I also understand that the District is in the process of developing a claim of beneficial use for Permit S-46786. Azalea Rojo is applying for a permit for the 12.3-acre portion of the place of use not that is not expected to be covered by the water right certificate issued for the District's Permit S-46786.

Please contact Kimberly Grigsby at GSI Water Solutions if you have any questions about this request. Her telephone number is 541-257-9004.

Sincerely,

Kenneth L. Warlick
Manager of Azalea Rojo
Chief Investment Office – AgIS Capital

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Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

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- [Contact Us](#)

Today's Date: Monday, December 12, 2016

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	3.0	\$90.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$990.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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December 1, 2016

Tim Wallin
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Water Right Application - Azelea Rojo, LLC (Joers)

Dear Mr. Wallin:

Please find enclosed a permit application to appropriate stored surface water for irrigation, which is submitted on behalf of Azelea Rojo, LLC. The Applicant is requesting to divert up to 3.0 acre-feet of stored water for irrigation of the "Joers property." Also enclosed is the required fee of \$990.00, which was calculated as follows:

\$ 450 - Base Fee
\$ 90 - 3 Acre Feet of Stored Water to be diverted
\$ 450 - Permit Recording Fee

Total =\$990.00

The water to be appropriated is stored water from Ben Irving Reservoir, as authorized by water right certificates 80425 and 89035. Lookingglass-Olalla Water Control District (LOWCD) manages the stored water in the reservoir, and the Applicant has requested a contract from LOWCD for use of stored water.

The majority of the Joers Property is associated with Permit S-46786, which is held by LOWCD. However, the proposed place of use for Permit S-46786 does not include the 2.3 acre area where the Applicant is requesting a permit. Therefore, the Applicant is applying for a water right to irrigate the remaining 2.3 acres of land.

If you have any questions about the enclosed materials, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Grigsby", is written over a faint, larger version of the same signature.

Kimberly Grigsby
Senior Water Resources Consultant

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Enclosures: Permit application and attachments
Check in the amount of \$990

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