

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 Mary Johanna Millegan		PHONE (HM) 541 741-3353	
PHONE (WK) 541 744-0090	CELL 541 228-4189	FAX NA	
ADDRESS 39830 McKenzie Hwy			
CITY Springfield	STATE OR	ZIP 97478	E-MAIL * ramillegan@aol.com

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

Note: Attach multiple copies as needed

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

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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.

Johanna Millegan Johanna Millegan 12/6/16
Applicant Signature Print Name and title if applicable Date

Applicant Signature

Print Name and title if applicable

Date

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Revise

App. No. S-88749

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: BOR stored water Tributary to: McKenzie

Source 2: Tributary to:

Source 3: Tributary to:

Source 4: Tributary to:

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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).

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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.)

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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
Bureau of Reclamation	Farming	March-October	47.5 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:
Please indicate the number of primary and supplemental acres to be irrigated.
Primary: 19 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 47.5

- 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): #1. 1.5 HP #2. 5 HP --both centrifugal

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)

Drip and movable pipe

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 farming. Primary application method is drip to conserve water. Pump hours monitored to measure usage.

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: Pump intake will be screened

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

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No operating equipment in water except pump intake.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: No chemicals used. Organic growing.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Asap

Date construction will be completed: June 2019

Date beneficial water use will begin: June 2016

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.

Michael J. Mattick, Watermaster, District 2 Helped with the map and application.

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CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION *Managing Water in the West*

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Mary Johanna Millegan
- 2) Address: 39830 McKenzie Hwy, Springfield, OR 97478
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): [REDACTED]
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? yes

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): McKenzie River

3. Proposed point of diversion: 360 feet South and 120 feet West
of East 1/4 corner of Section 23, Township 17S, Range 1W,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Application is being filed concurrently.

5. Include a map of lands and diversion points. *[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit]*

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6. Do you currently hold a right to natural flows for irrigating the property described herein? No
If yes, what is/are the priority date(s)? _____

7. Total quantity of water from storage requested: 47.5 acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
17S	1W	22	SE SW	10	oats, peas, hemp
17S	1W	22	SW SE	9	lawn/garden

9. What is the present use of the land identified above? [*farming; idle* (fallow cultivated land); *native* (appears never to have been tilled); *planted pasture or other* (please specify)].
Farming Lawn/Garden

10. Is the land identified above currently being irrigated? No If yes, what is the source? (*natural flows, wells, etc.*) _____

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: Point of Diversion is maintained and screened by EWEB

12. Telephone number where you can be reached during the day: 541-741.3353

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE²; MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹ Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

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Date Received:

LAND MANAGEMENT DIVISION



LAND USE APPLICATION - ADMINISTRATIVE
Land Use Compatibility Statement

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 682-3577

For Office Use Only: FILE # 509-PA16-05946 FEE: \$130.00 MW

Applicant (print name): Mary Johanna Millegan
Mailing address: 39830 McKenzie Hwy, Springfield, OR 97478
Phone: 541 741-3353 Email: RA Millegan @ ac.com

Applicant Signature: Johanna Millegan

PROPERTY LOCATION

17S 1W 22 400
Township Range Section Taxlot Subdivision/partition lot/parcel block
39830 McKenzie Hwy, Springfield, OR 97478
Site address

The Land Use Compatibility Statement (LUCS) is the form used when a customer needs a written response from the Planning Program, including State permit sign-offs. It is intended to assist customers who have a question that can not be answered in 10 minutes by the Planner at the front desk.

In the space below, write the question/request you have for the Planner. Attach additional pages if necessary.

applying for water rights

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Version 1/2013

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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

Applicant: Mary Johanna Millegan
First Last

Mailing Address: 39830 McKenzie Hwy.
Springfield OR 97478
City State Zip Daytime Phone: 541 741-3353

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:
175	1W	22	00	400	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Springfield, Lane 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: 25
 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:

Farming Irrigation

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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.

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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): LC 16.212(3)(a) *for farm production as a farm use (sunflowers, oats, hemp, etc.)*
- 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 major production, also allowed under LC 16.212(3)(a)* **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:	
	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JAN 03 2017	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	SALEM, OR	<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.

If proposing ~~on~~ recreational marijuana use day (not at this time), a separate Land Use Compatibility Statement through Lane County and OLCC.

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Name: MONICA WITZEL Title: PLANNER SALEM, OR
 Signature: [Signature] Phone: 541-682-8904 Date: 12.05.2016
 Government Entity: LANE 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: MARY JOHANNA ~~ROBERTO~~ MILLEGAN
 City or County: LANE Staff contact: MONICA WITZEL
 Signature: [Signature] Phone: 541-682-8904 Date: 12.5.2016



After Recording Return to:
Heather M. Walloch
PO Box 10567
Eugene, OR 97440

09/17/2014 11:01:34 AM
RPR-TRD Cnt=1 Stn=15 CASHIER 01
\$15.00 \$11.00 \$21.00 \$10.00

Until a change is requested all tax statements
shall be sent to the following address:
No change

Owner's Name and Address:
Mary L. Hale
39830 McKenzie Hwy.
Springfield, OR 97478

Beneficiaries Names and Addresses:
Mary Johanna Millegan
39830 McKenzie Hwy.
Springfield, OR 97478

TRANSFER ON DEATH DEED

I, Mary L. Hale, owner of the real property described below, the address of which is 39830 McKenzie Hwy., Springfield, OR 97478, upon my death do transfer to the beneficiary designated below, all of my right, interest, and title in the property, with its tenements, hereditaments, and appurtenances, located in Lane County, Oregon, and described as follows:

Legal description on the attached Exhibit A.

I designate Mary Johanna Millegan, whose mailing address is 39830 McKenzie Hwy., Springfield, OR 97478, as my primary beneficiary if she survive me.

Before my death, I have the right to revoke this deed.

Dated this 7 day of August, 2014.

Mary L. Hale
Mary L. Hale

STATE OF OREGON)
) ss.
County of Lane)

This instrument was acknowledged before me on August 7, 2014, by Mary L. Hale



Christine L. Juza
Notary Public for Oregon

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EXHIBIT A

Property

All land lying between N. line of hereinafter described premises and the new McKenzie Highway:

Commence at 1/4 section corner between Sections 22 and 27, Township 17 South, Range 1 West of the Willamette Meridian, running thence East 18.54 and 5/6 chains, thence North 13.85 chains, thence West 28.30 and 1/6 chains to the center of County Road, thence South 35° 15' West 17.62 chains along center of said road, thence East 33.0 links, thence along the North boundary of a private roadway North 86° East 3.31 chains, thence South 74° 20' East 4.92 chains, thence South 65° 40' East 2.51 and 2/3 chains, thence North 72° 55' East 9.04 chains, thence North 17.50 links, thence East 56.0 links to the point of beginning.

Except 5.01 acres to Eugene for r/w per Volume 78/293.

Except 2.70 acres to Eugene per Volume 153/544.

Except 4.13 acres to Lane County for r/w Volume 167/244.

Containing more or less 9.00 acres, less 0.92 acres in County Road No. 309-1/2,

Containing more or less 8.08 acres.

ALSO: Commencing at the 1/4 section corner between Sections 22 and 27, Township 17 South, Range 1 West of the Willamette Meridian and running thence East 18.54 and 5/6 chains, thence North 13.85 chains, thence West 28.30 and 1/6 chains to the center of County Road, thence S. 35° 15' West 17.62 chains along center of said road, thence East 33.0 links, thence along the North boundary of a private roadway North 86° East 3.31 chains, thence South 74° 20' East 4.92 chains thence South 65° 40' East 2.51 and 2/3 chains, thence North 72° 55' East 9.04 chains, thence North 17.50 links, thence East 56.0 links to the point of beginning, in Lane County, Oregon. Containing more or less 43.00 acres.

Except 2.70 acres to City of Eugene as recorded in Volume 153, page 544, Lane County Deed Records, being a portion of T.L. (605).

Except 4.13 acres to relocated McKenzie Highway per 167/244.

Except 0.49 acres to City of Eugene by deed #51996/R55, being a portion of T.L. (605).

Except 1.14 acres to City of Eugene, by deed #51995/R55 being T.L. (604).

Except 9.00 acres to T.L. (300) per Volume 201/439, containing more or less 25.54 acres.

continued-

Exhibit A - 1

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ALSO: Beginning at a point 553.22 feet North and 809.89 feet east of a stone marking the 1/4 corner between Sections 22 and 27, Township 17 South, Range 1 West of the Willamette Meridian, said point lying on the Northerly boundary of a parcel of land conveyed to the City of Eugene, as recorded in Volume 153/549, of the Deed records of Lane County, Oregon, and South 66° 05' West 99.16 feet from the most Northerly point thereof; thence South 44° 56' West 67.52 feet, thence South 68° 04-1/2' West 462.31 feet, thence South 58° 57-1/2' West 172.15 feet, thence South 66° 51-1/2' West 381.30 feet, thence South 76° 01-1/2' West 676.66 feet to the Southerly boundary of said parcel of land, thence North 70° 29' West 52.31 feet along said Southerly boundary to the West corner thereof; thence along the Northerly boundary of said parcel North 76° 13' East 729.20 feet and thence North 66° 05' East 1063.74 feet to the point of beginning. Containing 0.90 acres, more or less, all in Lane County, Oregon. Total acres more or less 26.44.

Except 1.91 acres to T.L. 401 by instrument R468/95286 for 1971, containing more or less 24.53 acres.

Exhibit A - 2

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From: ODELL Tim Tim.Odell@EWEB.ORG
Subject: RE: Water Agreement.
Date: December 30, 2016 at 8:56 AM
To: RA Kris MilleganSSD ramillegan@aol.com



Kris

The intent here is that by attaching the form to your application you are conveying to the Water Master that there is indeed a standard process whereby once a permit is granted by OWRD water may be drawn from our canal. We can draft and sign the agreement once they grant your permit. Does that make sense? I suspect this is the Water Master's expectation.

Best,

Tim O'Dell
Right of Way Agent
Eugene Water & Electric Board
541-685-7674 (office)
541-915-5231 (mobile)
Tim.Odell@eweb.org
www.eweb.org


From: RA Kris MilleganSSD [mailto:ramillegan@aol.com]
Sent: Friday, December 30, 2016 7:45 AM
To: ODELL Tim <Tim.Odell@EWEB.ORG>
Subject: Re: Water Agreement.

Doesn't it need to be signed?

Peace,
K

On Dec 29, 2016, at 4:18 PM, ODELL Tim <Tim.Odell@EWEB.ORG> wrote:

Kris

Here is the template to include in your application to the Water Master.

Best,

Tim

Tim O'Dell
Right of Way Agent
Eugene Water & Electric Board
541-685-7674 (office)
541-915-5231 (mobile)
Tim.Odell@eweb.org

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Jim.Odeh@eweb.org

www.eweb.org

<image001.gif>

<Blank WATERUSE Agrmt.docx><WaterUseD-8834 Ex A.pdf>

WATER USE AGREEMENT

LEABURG POWER CANAL

THIS CONTRACT AND AGREEMENT, made and entered into by and between the Eugene Water & Electric Board, hereafter referred to as **EWEB**; and **Owner, Owner Address**, (Tax Map & Tax Lot # 00-00-00-00-00000), hereafter referred to as **Owner**;

WITNESSETH

That **Owner** owns property adjacent to the **Leaburg Power Canal** Property owned by **EWEB**.

That **Owner** has obtained water rights in the McKenzie River for the purpose of irrigation of _____ acres (Certificate # _____). The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed **0.02 CUBIC FEET PER SECOND**, measured at the point of diversion of water allocated from the McKenzie River.

That **EWEB** desires to accommodate **Owner** insofar as said withdrawal does not in any way interfere with the Leaburg Power Canal or the operation or maintenance thereof, or in any rights or duties of **EWEB** under obligation to the public or to the State of Oregon.

Now, therefore, **EWEB** hereby grants to **Owner** permission to withdraw water from the Leaburg Power Canal for above stated purposes only, in such amounts, in such a manner, and at such times as stated herein.

This agreement is on the express condition that **Owner** maintains from the State of Oregon a water right in the McKenzie River for diversion at the intake of the Leaburg Power Canal.

It is expressly agreed that **Owner** use shall not be taken from the allotment of **EWEB's** water rights now or in the future.

EWEB makes no guarantee to **Owner** of continuity of supply, it being expressly understood that **EWEB** may de-water the Leaburg Power Canal at any time it deems necessary, and that the canal may be dewatered at times during the normal irrigation season for the purposes of maintenance.

The installation of irrigation equipment for and by **Owner** shall be placed so as not to compromise the canal stability or interfere with the operation of the canal, and shall be installed only with the approval of **EWEB** in writing, in such a manner as is set out in

WATER USE AGREEMENT
PAGE 1 OF 2

Owner

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T/L 00-00-00-00-000000
Canal Stationing 000+00
WATERUSE. AGRMT

5-88349

EXHIBIT "A" attached to and made part of this agreement.

It is further agreed that this is a permissive use only and this agreement may be canceled at any time by **EWEB** upon 30 days written notice to **Owner**. Upon receiving said notice, **Owner** agrees to remove all his equipment from **EWEB** property, within said time, without damage to the canal.

Owner hereby assumes all liability by reason of its installation and operation and agrees to indemnify and hold harmless **EWEB**, its officers, agents and employees, from and against any and all claims, demands, losses, damages, causes of action, suits, and liabilities of every kind (including reasonable attorney's fees, court costs and other expenses related thereto) for injury to or death of a person or loss of or damage to any property arising out of or in connection with any work done, action taken or permitted by **Owner**, its subcontractors, agents or employees under this agreement. It is further agreed that **EWEB** shall not be liable by reason of the failure of **Owner** to obtain water at any time, it being understood that **EWEB** is entering into this agreement as an accommodation to **Owner** and that **Owner** cannot rely on the withdrawal of any quantity of water at any given time. It can be expected that there will be some interruption in the water supply due to changes in the operating schedule and/or maintenance schedule of the power facility.

This is a personal agreement with **Owner**, and shall not run with the land, and this agreement cannot be assigned without the written consent of **EWEB**.

IN WITNESS WHEREOF, **EWEB** has caused these presents to be executed by its officers thereunto duly authorized, and **Roger Kline**, signed this _____ day of _____, 2013.

Eugene Water & Electric Board

By: _____; Generation Manager

By: _____; Water User
Owner

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SALEM, OR

S-88349

24588-5



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

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- [Contact Us](#)

Today's Date: Wednesday, January 04, 2017

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	47.5	\$628.00
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.	Recalculate	
Estimated cost of Permit Application		\$1,528.00



[OWRD Fee Schedule](#)

Fee Calculator Version: B20130709



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

December 12, 2016

Mary Johanna Millegan
39830 McKenzie Hwy.
Springfield, OR 97478

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JAN 03 2017

SALEM, OR

Dear Mary:

The Water Resources Department has received your application for a permit to use stored surface water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

Your application proposes to use the Eugene Water and Electric Board (EWEB) canal to convey water to your point of diversion. Since the canal is controlled by EWEB, you will need to submit documentation showing that you are authorized to utilize their canal.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801.

Sincerely,

Jeffrey D. Pierceall
Customer Service Group

Cc: OWRD Fiscal

Please find enclosed
73

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JAN 03 2017

SALEM, OR

S-80749

