



Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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Today's Date: Tuesday, September 18, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	17.84	\$630.00
Permit Recording Fee. ***		\$520.00
*** 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		\$1,670.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-88669

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.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant			
NAME NICK BALTOS		PHONE (HM)	
PHONE (WK)	CELL 763-381-2595	FAX	
ADDRESS 1095 MELQUA RD.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL * NICK.BALTOS@GMAIL.COM

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

Agent – 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 proposed and final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- 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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

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

	NICHOLAS BALTOS	9/13/18
Applicant Signature	Print Name and Title if applicable	Date
_____ Applicant Signature	_____ Print Name and Title if applicable	_____ Date

SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Ernest Ray Fenn
P.O. Box 21
Gladeville, TN 37071

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T.26S. R.6W. Sec. 31 TL2303

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Legal Description: 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), and the locations of the point of diversion (POD):

Source 1: Galesville Reservoir	Tributary to: Cow Creek > South Umpqua River
TRSQQ of POD: T. 26S. R. 06 W. NWSE Sec. 31	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

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

R-9964

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Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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Upper Columbia - OAR 690-033-0115 thru -0130

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Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by

For Department Use: App. Number: 88669

Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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For Department Use: App. Number: S-88669

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Galesville Reservoir	Irrigation of 8 acres - 17.84 acre feet of water	March 1 - October 31	<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

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 8 Acres Supplemental: Acres
 If Supplemental Acres are listed, provide 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: 17.84

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 5 Horsepower gas powered pump.
- Other means (describe):

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

Water will be pumped from the South Umpqua River and piped to irrigation area.

B. Application Method

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

Water pipeline to sprinklers. AND/OR HOLDING TANKS FOR GRAVITY 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.

Water is needed for irrigation of 8 acres on the property. Most efficient method of irrigation will be used as feasible to prevent waste, erosion and control run-off.

SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: ODFW approved fish screening will be installed on pump intake prior to diversion of water.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: None planned.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: None planned.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Will use best irrigation management practices to prevent erosion and run-off.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
Contract with Douglas County to purchase 17.84 acre feet of stored water from Galesville Reservoir.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: October 1, 2019
- b) Date construction will be completed: October 1, 2020
- c) Date beneficial water use will begin: October 1, 2021

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SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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 groundwater 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
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

Applicant

NAME NICHOLAS BALTOS		PHONE (HM) 763-381-2595	
PHONE (WK)	CELL	FAX	
ADDRESS 1095 MELQUA RD.			
CITY ROSEBURG	STATE OR	ZIP 97471	E-MAIL* NICK.BALTOS@GMAIL.COM

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:
26S.	6W.	31	SWSE	2304	FG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRK
26S.	6W.	31	NWSE	2303	FG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

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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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) Galesville Reservoir

Estimated quantity of water needed: 17.84 acre-feet 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:

Water is needed for irrigation of 8 acres.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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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): EG LUDO 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	SEP 17 2018	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet. **DOUGLAS COUNTY PLANNING DEPARTMENT**

<u>R54921 WS18-0807</u>	ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470
-------------------------	--

NAME: <u>THOMAS MCINTOSH</u>	TITLE: <u>PLANNER</u>
SIGNATURE: <u>[Signature]</u>	PHONE: <u>541-440-4289</u> DATE: <u>9-13-18</u>
GOVERNMENT ENTITY: _____	

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: _____

S-88669

Douglas County Official Records
Patricia K. Hitt, County Clerk

2018-006333

04/09/2018 03:36:00 PM

DEED-WD Cnt=1 Str=17 RRHARRIS
\$20.00 \$11.00 \$10.00 \$20.00

\$61.00

DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

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

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

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

3014838/sj

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After recording return to:
Krystal Baltos and Nicholas Baltos
1095 Melqua Road
Roseburg, OR 97471

Until a change is requested all tax
statements shall be sent to the
following address:
Krystal Baltos and Nicholas Baltos
1095 Melqua Road
Roseburg, OR 97471

File No.: 7391-3014838 (sj)
Date: March 29, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY WARRANTY DEED

John M. Turk, Jr. and Laura L. Turk, Grantor, conveys and warrants to Krystal Baltos and Nicholas Baltos, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

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

The true consideration for this conveyance is **\$469,900.00**. (Here comply with requirements of ORS 93.030)

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

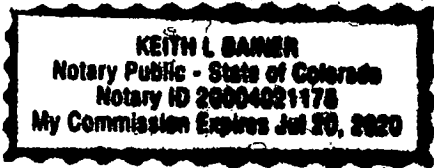
Dated this 6 day of April, 2018.

[Signature]
John M. Turk Jr.

[Signature]
Laura L. Turk

STATE OF Colorado)
County of Larimer) ss.

This instrument was acknowledged before me on this 6 day of April, 2018 by John M. Turk, Jr. and Laura L. Turk.



Keith L Baner
Notary Public for 07/20/2020
My commission expires:

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8-88669

EXHIBIT A

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

A parcel of land lying in Section 31 of Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, said parcel being more particularly described as follows:

That portion of the North 325.38 feet of Lot 6 of Plat of F. Archambeau Estate, Volume 35, page 357 as recorded in the Deed Records of Douglas County which lies East of Melqua Road (County Road No. 13) and westerly of the following described line:

Beginning at a point on the North line of Parcel 1 of Partition Plat No. 1997-0022 as recorded in the Plat Records of Douglas County, from which a 5/8" iron rod at the northeast corner of Parcel 2 of Partition Plat No. 1996-0089 bears N89° 45' 00" W 486.68 feet; thence leaving said line N12° 25' 00" E 233.40 feet; thence N35° 42' 15" E 188.23 feet; thence N14° 19' 08" E 97.29 feet; thence N10° 44' 47" E 318.80 feet; thence N10° 06' 21" E 148.20 feet; thence N19° 39' 47" E 184.99 feet; thence N36° 35' 48" E 106.77 feet; thence N36° 27' 51" E 204.09 feet; thence N21° 22' 23" E 372.22 feet to the South Umpqua River and there terminating.

Also the West 550 feet of the South 125 feet of Lot 7 of the above said Plat of F. Archambeau Estate.

ALSO, A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 26 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEGINNING AT A POINT THAT BEARS NORTH 64°30'33" EAST 756.05 FEET FROM THE 5/8" IRON ROD MARKING THE NORTHWEST CORNER OF UNIT 1 OF INSTRUMENT NO. 2012-19796 OF THE DEED RECORDS OF DOUGLAS COUNTY, OREGON; THENCE NORTH 90°00'00" WEST 132.28 FEET ; THENCE NORTH 0°00'00" EAST 125.00 FEET; THENCE NORTH 90°00'00" EAST 132.28 FEET TO A 5/8" IRON ROD; THENCE SOUTH 0°00'00" WEST 125.00 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 26 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON, SAID PARCEL BEGINNING AT A POINT THAT BEARS NORTH 64°30'33" EAST 756.05 FEET FROM THE 5/8" IRON ROD MARKING THE NORTHWEST CORNER OF UNIT 1 OF INSTRUMENT NO. 2012-19796 OF THE DEED RECORDS OF DOUGLAS COUNTY, OREGON; THENCE NORTH 90°00'00" EAST 555.72 FEET; THENCE SOUTH 19°39'47" EAST 31.86 FEET; THENCE NORTH 90°00'00" WEST 79.97 FEET TO A 5/8" IRON ROD; THENCE NORTH 90°00'00" WEST 204.00 FEET TO A 5/8" IRON ROD; THENCE NORTH 90°00'00" WEST 261.03 FEET TO 5/8" IRON ROD; THENCE NORTH 0°00'00" EAST 30.00 FEET TO THE PLACE OF BEGINNING.

This legal description is created pursuant to Douglas County Planning Department File No. M15-048.

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Grantor's Name and Address
JOEL R. FENN
1089 MELQUA ROAD
ROSEBURG, OREGON 97470

Grantee's Name and Address
JOEL R. FENN, TRUSTEE
JOEL R. FENN FAMILY TRUST
DATED APRIL 6, 2005
1089 MELQUA ROAD
ROSEBURG, OREGON 97470

After recording, return to:
JAMES H. SMITH, ATTORNEY AT LAW
711 BENNETT AVENUE
MEDFORD, OREGON 97504

Until requested otherwise, send all tax statements to:
JOEL R. FENN
1089 MELQUA ROAD
ROSEBURG, OREGON 97470

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK 2005-010543



\$25.00

04/29/2005 12:15:45 PM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$10.00 \$11.00 \$5.00

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that JOEL R. FENN, hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by JOEL R. FENN, TRUSTEE, OR HIS SUCCESSORS IN TRUST, UNDER THE JOEL R. FENN FAMILY TRUST DATED APRIL 6, 2005, AND ANY AMENDMENTS THERETO hereinafter called grantee, does hereby grant, bargain, sell and convey unto grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Douglas County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to the Grantor at the time Grantor acquired the property. The limitations contained herein expressly do not relieve Grantor of any liability or obligation under this instrument, but merely define the scope, nature and amount of such liability or obligations.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except: NONE, and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 6th day of April, 2005 if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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

Joel R. Fenn

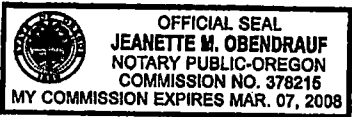
JOEL R. FENN

State of Oregon)
) : ss.
County of Douglas)

Before me this 6th day of April, 2005, personally appeared JOEL R. FENN, and acknowledged the foregoing instrument to be his voluntary act and deed.

Jeanette M. Obendrauf

Notary Public of Oregon
My Commission expires: 3/7/2008



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EXHIBIT "A"

PARCEL 1: (R54914 & R54921)

DESCRIPTION OF UNIT 1 OF MAP NO. M128-49

A parcel of land lying in Section 31 of Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, said parcel being more particularly described as follows:

That portion of Lot 7 of Plat of F, Archambeau Estate, Volume 35, Page 357 as recorded in the Deed Records of Douglas County which lies southeasterly of Melqua Road (County Road No. 13), south of the southerly line of that property described in Instrument No. 92-10771, and westerly of the following described line:

Beginning at a point on the north line of Parcel 1 of Partition Plat No. 1997-0022 as recorded in the Plat Records of Douglas County, from which a 5/8" iron rod at the northeast corner of Parcel 2 of Partition Plat No. 1996-0089 bears N89° 45' 00" W 486.68 feet; thence leaving said line N12° 25' 00" E 233.40 feet; thence N35° 42' 15" E 188.23 feet; thence N14° 19' 08" E 97.29 feet; thence N10° 44' 47" E 318.80 feet; thence N10° 06' 21" E 148.20 feet; thence N19° 39' 47" E 184.99 feet; thence N36° 35' 48" E 106.77 feet; thence N36° 27' 51" E 204.09 feet; thence N21° 22' 23" E 372.22 feet to the South Umpqua River and there terminating.

Excepting therefrom the West 550 feet of the South 125 feet of Lot 7 of the above said Plat of F. Archambeau Estate.

DESCRIPTION OF UNIT 2 OF MAP NO. M128-49

A parcel of land lying in Section 31 of Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, said parcel being more particularly described as follows:

That portion of the north 325.38 feet of Lot 6 of Plat of F. Archambeau Estate, Volume 35, page 357 as recorded in the Deed Records of Douglas County which lies east of Melqua Road (County Road No. 13) and westerly of the following described line:

Beginning at a point on the north line of Parcel 1 of Partition Plat No. 1997-0022 as recorded in the Plat Records of Douglas County, from which a 5/8" iron rod at the northeast corner of Parcel 2 of Partition Plat No. 1996-0089 bears N89° 45' 00" W 486.68 feet; thence leaving said line N12° 25' 00" E 233.40 feet; thence N35° 42' 15" E 188.23 feet; thence N14° 19' 08" E 97.29 feet; thence N10° 44' 47" E 318.80 feet; thence N10° 06' 21" E 148.20 feet; thence N19° 39' 47" E 184.99 feet; thence N36° 35' 48" E 106.77 feet; thence N36° 27' 51" E 204.09 feet; thence N21° 22' 23" E 372.22 feet to the South Umpqua River and there terminating.

Also the West 550 feet of the South 125 feet of Lot 7 of the above said Plat of F. Archambeau Estate.

PARCEL 2: (R54893 & M91098)

A parcel of land lying in section 31 of Township 26 South, Range 6 West, and in Section 6, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, said parcel being more particularly described as follows:

Those portion of Lots 5, 6 and 7 (that portion of Lot 7 which lies southeasterly of Melqua Road {County Road No. 13} and south of the southerly line of that property described in Instrument No. 92-10771) of Plat of F. Archambeau Estate, Volume 35, page 357 as recorded in the Deed Records of Douglas County and east of Melqua Road (County Road No. 13) and westerly of the following described line:

Beginning at a point on the north line of Parcel 1 of Partition Plat No. 1997-0022 as recorded in the Plat Records of Douglas County, from which a 5/8" iron rod at the northeast corner of Parcel 2 of Partition Plat No. 1996-0089 bears north 89° 45' 00" West 486.68 feet; thence leaving said line North 12° 25' 00" East 233.40 feet; thence North 35° 42' 15" East 188.23 feet; thence North 14° 19' 08" East 97.29 feet; thence North 10° 44' 47" East 318.80 feet; thence North 10° 06' 21" East 148.20 feet; thence North 19° 39' 47" East 184.99 feet; thence North 36° 35' 48" East 106.77 feet; thence North 36° 27' 51" East 204.09 feet; thence North 21° 22' 23" East 372.22 feet to the South Umpqua River and there terminating.

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END OF DOCUMENT

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COPY

I-2019-1

CONTRACT FOR PURCHASE OF AGRICULTURAL WATER FROM GALESVILLE PROJECT

RECEIVED

SEP 17 2018

This contract is made on _____, 20 ____ between Douglas County, a political subdivision of the State of Oregon, ("County"), and _____
Nicholas and Krystal Baltos, ("Customer").

OWRD

COUNTY AND CUSTOMER AGREE:

1. TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on January 1, 20 19 and end on December 31, 20 28, unless it is sooner terminated as provided herein.

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

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

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

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

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

1.3.4. Each extension shall commence on the day following the termination date of the initial term or the preceding extension.

1.4. The provisions of this contract shall apply to any extension except for changes in the purchase price pursuant to Section 11; modifications required to comply with federal or state statutes, regulations, or administrative rules; or modifications required to comply with any contract between County and the United States concerning the Galesville project.

1.5. Customer shall not be entitled to extend the term of this contract if Customer is in default under this contract at the time extension is requested by Customer.

2. AUTHORITY OF PUBLIC WORKS DIRECTOR:

2.1. The director of the Douglas County Public Works Department (the Director) has authority to administer this contract on behalf of County.

2.2. The Director may delegate authority to administer this contract to the Manager of the County Public Works Department, Natural Resources Division (the Natural Resources

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Division Manager), except for authority to establish the price of water under section 11 of this contract. The Director shall retain the right to supersede any decision of the Division Manager in the administration and interpretation of this contract.

2.3. References to the Director in this contract shall be deemed to include the Division Manager, to the extent the Director has delegated authority to the Division Manager.

3. WATER ALLOCATION: Each year during the term of this contract, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 8.00 acres. This allocation shall not exceed 17.84 acre feet per irrigation season as specified on the attached Exhibit A.

4. PERMITS AND CERTIFICATES OF WATER RIGHTS:

4.1. County shall file and maintain any reservoir water right permit and/or certificate to store water in the Galesville reservoir allocated for the Customer's use, as required by the State of Oregon Water Resources Department or its successor ("OWRD").

4.2. Customer, at Customer's expense, shall be responsible for obtaining any permit and/or certificate of water rights for use of the stored water allocated under this contract as required by the OWRD.

4.3. Within 6 months after the effective date of this contract, Customer shall provide County with a copy of the application map provided to the State.

5. RELEASE OF WATER:

5.1. Subject to the provisions of this contract, County will release into the natural channel of Cow Creek water comprising the allocation described in section 3. Water released for Customer's allocation shall be measured and delivered to Customer's point of diversion of record by County with equipment installed and maintained by County.

5.2. County shall report to the OWRD all allocated water stored and distributed to Customer's point of diversion of record, including reasonable losses. Customer shall report all water use as described on Customer's water right of record, or as otherwise may be required by the OWRD.

5.3. The obligations of County to allocate capacity may be restricted by any lawful order, regulation, or ruling of any governmental agency or provisions of a contract between County and the United States. Such legal restrictions may impair the County's ability to perform its obligations under this contract. In that event, County shall be relieved of its obligations to the extent necessary to comply with the legal restrictions. Customer's payments under this contract shall be reduced proportionally to any reduction in Customer's allocation resulting from such legal restrictions.

5.4. Notwithstanding any other provision of this contract, County may suspend release and delivery of water to Customer upon written notice to Customer if Customer fails to make any payment for such water when due.

6. DIVERSION AND USE OF WATER:

6.1. Customer shall be wholly responsible for taking, diverting, conveying, and utilizing its water and shall bear all losses from Customer's point of diversion.

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6.2. Customer shall divert the water it is entitled to receive under this contract in accordance with schedules developed by the Customer and County.

6.3. The water diverted by Customer may be measured by County at the point of diversion. The point of diversion shall be accessible for inspection and measurement of water at all reasonable times by County. Any easement necessary for County to gain access to the point of diversion shall be provided by Customer when requested by County.

6.4. The water shall be utilized for agricultural use. Customer shall utilize the water only for the uses and only on the real property described in Customer's permit and certificate.

6.5. Customer shall be responsible for purchase and installation of a meter or other suitable measuring device if required by the OWRD. Once installed, it shall be the Customer's responsibility to maintain such device in good working order. If requested by the OWRD, Customer shall maintain a record of the amount of water used and report water use on such periodic schedule as may be established by the OWRD.

6.6. If required, Customer shall purchase, install, maintain, and operate fish screening equipment and by-pass devices to prevent fish from entering the diversion. Any required screens and/or by-pass devices shall be in place, functional, and approved prior to diversion of any water under this contract.

7. QUALITY OF WATER:

7.1. County shall operate and maintain the Galesville dam, reservoir, and related facilities in a reasonable and prudent manner, and shall endeavor in good faith to take adequate measures to maintain the quality of raw stored water at the facilities. County is under no obligation to construct or furnish water treatment facilities to maintain or improve the quality of water. **COUNTY MAKES NO WARRANTIES, EXPRESS OR IMPLIED, REGARDING THE QUALITY OF WATER RELEASED AND DELIVERED FROM GALESVILLE DAM, RESERVOIR, AND RELATED FACILITIES.**

8. WATER SHORTAGES: In any year in which a water shortage in the Galesville reservoir occurs, County shall apportion the available water supply among Customer and other users who are entitled to receive water from the reservoir. The quantity of water to be furnished for irrigation shall first be reduced as necessary, but not greater than 15%. Any further reduction in the reservoir water supply shall be shared by Customer and all other users entitled to water from the reservoir in the same proportion that the entitlement of each user, including Customer's entitlement under this contract, bears to the total entitlements of all users.

9. WATER CONSERVATION: Customer acknowledges the critical need for water conservation in the Umpqua River basin. Customer shall implement reasonable and prudent water conservation measures for agricultural activities.

10. COMPLIANCE WITH LAW: This contract shall be governed by and construed in accordance with the laws of the State of Oregon. Each party shall perform its obligations in accordance with all applicable state, federal, and local laws, rules and regulations now or hereafter in effect.

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11. PRICE OF WATER:

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$373.50 per year.

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

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

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

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

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

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

11.5. Customer may request the Board of Commissioners to review and reduce the price of water established by the Director. Such request shall be in writing and shall be given with the notice of Customer's election to extend the contract term. After considering the factors listed in subsection 11.3, the Board of Commissioners may reduce or affirm the price established by the Director. If the Board of Commissioners fails to take any action on Customer's request to review and reduce the price of water within 30 days after Customer makes the request, the request shall be deemed denied. If Customer is not satisfied with the action of the Board of Commissioners, Customer may rescind their election to extend the contract term and cancel the contract by written notice to County within sixty days after Customer requests the Board of Commissioners to review and reduce the price.

12. PAYMENT:

12.1. Customer shall pay County the annual price established by section 11 for the allocation stated in section 3 regardless of whether Customer uses any or all of the water allocated. Except as provided in subsection 12.2, payment shall be made no later than March 31 of each year.

12.2. If this contract is dated after March 2 in the year for which water is first to be released, then the amount due for the first year only shall be payable within 30 days after the date the contract is signed by County.

12.3. Interest shall accrue on late payments at the rate of eighteen percent per annum commencing the day after the date payment is due. Customer shall pay all interest upon the request of County.

13. LIMITATIONS ON LIABILITY:

13.1. County shall not be liable for damages or other expenses sustained by Customer resulting from shortages in the quantity of water available for release, or interruptions in water deliveries to Customer, if such shortages or interruptions in deliveries are caused partially or entirely by hostile diversion, accidental damage to

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County facilities, operational failure of County facilities, or any cause beyond County's control.

13.2. Notwithstanding any other provision of this contract, County shall not be liable to Customer for damages caused by failure to comply with any obligation of County under this contract, if such failure results from lack of appropriation of funds necessary to perform such obligation pursuant to ORS 294.305 et seq. (Local Budget Law).

13.3. In no event shall County be liable to Customer for any indirect, special, or consequential damages even if Customer previously advised County of the possibility of such damages.

14. DEFAULT:

14.1. There shall be a default under this contract if either party materially fails to comply with any provision of this contract within thirty days after the other party gives written notice specifying the breach. If the breach specified in the notice cannot be completely cured within the thirty day period, no default shall occur if the party receiving the notice begins curative action within the thirty day period and thereafter proceeds with reasonable diligence and in good faith to cure the breach as soon as practicable.

14.2. If a default occurs, the party injured by the default may elect to terminate this contract and pursue any equitable or legal rights and remedies available under Oregon law, except that Customer's remedies shall be subject to the limitations on damages stated in section 13.

14.3. Any litigation arising out of this contract shall be conducted in the Circuit Court of the State of Oregon for Douglas County.

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

16. WAIVER: No provision of this contract shall be waived unless the waiver is written and signed by the party waiving its rights. Any waiver of a breach, whether express or implied, shall not constitute waiver of any other breach.

17. SUCCESSORS: The successors, assigns, and legal representatives of Customer and County shall be subject to all provisions of this contract. Customer shall not assign Customer's rights or obligations under this contract without prior written consent of County.

18. NOTICES:

18.1. Notices required by this Contract must be given in writing by personal delivery or mail, unless some other means or method of notice is required by law.

18.2. Notices to County shall be directed to Thomas R. Manton, Division Manager, Douglas County Public Works Department, Natural Resources Division, Room 306, Douglas County Courthouse, 1036 SE Douglas Street, Roseburg, OR 97470.

18.3. Notices to Customer shall be directed to: _____

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Nicholas and Krystal Baltos

1095 Melqua Rd. Roseburg, OR 97471

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19. ENTIRE AGREEMENT: This contract is in the final and complete agreement of the parties and supersedes all prior and existing written or oral understandings. No modification of this contract shall be valid unless it is in writing and signed by the parties.

20. TERMINATION FOR CONVENIENCE: County may terminate this Contract if the Director determines in good faith that termination is in the best interest of the public. The Director will endeavor to give Contractor notice thirty days prior to the date of terminate. Termination under this section will not affect the rights of County and/or Customer existing at the time of termination.

CUSTOMER

Signature [Handwritten Signature]

Print Name NICHOLAS BALTOS

Date 9/13/18

Phone 763-381-2595

DOUGLAS COUNTY

By _____

Scott Adams, Director of Public Works Department. Authority to sign contract given by order of Board of Commissioners dated July 12, 2017

Date _____

REVIEWED AS TO CONTENT

By _____

Division Manager

Date _____

Coding 215-0000-2810-00-012010

REVIEWED AS TO FORM

By _____

County Legal Counsel

Date _____

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EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

- 1. 8.00 acres of **primary irrigation**. This allocation shall not exceed **2.23** acre feet per acre each irrigation season.

Acre Feet: 17.84 Annual Cost: \$ 373.50

SUPPLEMENTAL IRRIGATION

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

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

Acre Feet: _____ Annual Cost: \$ _____

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

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

Acre Feet: _____ Annual Cost: \$ _____

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

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

Acre Feet: _____ Annual Cost: \$ _____

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

Summary:

Total Acres:	<u>8.00</u>	acres
Total Allocation:	<u>17.84</u>	acre feet
Total Cost:	<u>\$ 373.50</u>	