



Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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Today's Date: Wednesday, October 10, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	225	\$946.00
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		\$1,986.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-80674

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 Roland Theiss		PHONE (HM)	
PHONE (WK)	CELL 541-430-7263	FAX	
ADDRESS PO Box 824			
CITY Myrtle Creek	STATE OR	ZIP 97457	E-MAIL *

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


 Applicant Signature

Roland Theiss
 Print Name and Title if applicable

10/5/2018
 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).*

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: Ben Irving Reservoir	Tributary to: Berry Creek
TRSQQ of POD:	
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).

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B. Applications to Use Stored Water

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

- 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.)

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C#93735

For Department Use: App. Number: S-88674

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
Type text here

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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 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
type text here

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 type text here 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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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
Ben Irving Reservoir	Irrigation of 90 acres	March 1 - October 31	225 <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: 90 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:

- 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:

SECTION 6: 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): 25 HP Bank Mounted
 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 Olalla Creek through pipes to irrigation area.

B. Application Method

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

 Irrigation sprinklers will be installed to irrigate 90 acres.

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 purposes. Meter will be installed.
 Will use most efficient method of irrigation to minimize water use and prevent run off/erosion.

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 screen will be installed on pump 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.

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- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

_____ None

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SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: _____ October 1, 2018
- b) Date construction will be completed: _____ October 1, 2019
- c) Date beneficial water use will begin: _____ October 1, 2020

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.wrd.state.or.us

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SEP 24 2018

Applicant: Roland Theiss
First Last

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Mailing Address: PO Box 824

Myrtle Creek OR 97457 Daytime Phone: 541-430-7263
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
29S.	7W.	7		400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
29S.	7W.	8		400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Douglas County

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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 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) Ben Irving Reservoir

Estimated quantity of water needed: 225 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 90 acres.

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

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project **OWRD** 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): LUO 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.

R69767 *W518-0790*

R69810

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

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Name: THOMAS MCINTOSH Title: DUTY PLANNER

Signature: [Signature] Phone: 541-440-4289 Date: 9-10-18

Government Entity: PLANNING

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: _____

2



After recording return to:
Roland Theiss & CW Lebengood
P.O. Box 824
Myrtle Creek, OR 97457

Until a change is requested all tax statements shall be sent to the following address:
Roland Theiss & CW Lebengood
P.O. Box 824
Myrtle Creek, OR 97457

Escrow No. RB0706032
Title No. 0706032
SWD r.042611

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2011-013641



\$53.00

09/22/2011 03:13:16 PM
DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$15.00 \$11.00 \$17.00 \$10.00

STATUTORY WARRANTY DEED

JAMES WARNER FORGIE, Trustee or his Successors in Trust, under THE FORGIE LOVING TRUST dated July 13, 2000, and any amendments thereto,

Grantor(s), hereby convey and warrant to

Roland Theiss and Margaret Theiss, husband and wife, as to an undivided 1/2 interest and C.W. Lebengood, as to an undivided 1/2 interest,

Grantee(s), the following described real property in the County of DOUGLAS and State of Oregon free of encumbrances except as specifically set forth herein:

PARCEL 1:

The whole of the East half of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 5, Lots 1 and 2, all in Township 29 South, Range 7 West, Willamette Meridian.

ALSO, the Old Donation Claim of Daniel Wells, situated in Sections 7 and 8 designated as Claim 39, Township 29 South, Range 7 West, Willamette Meridian, the West 1/3 of Lot 7 in Section 8, Township 29 South, Range 7 West, Willamette Meridian.

EXCEPTING therefrom that portion lying Southerly of the old Olalla-Coos Bay County Road No. 141, and Westerly of the Olalla County Road No. 38.

ALSO EXCEPTING from the above described premises an approximate one-half acre tract of land conveyed by the Sellers to the Olalla Community Club by deed recorded in Volume 165, at Page 452 of the Deed Records of Douglas County, Oregon.

FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED:

T29S, R07W, S05 TL1100 and TL1200
T29S, R07W, S08 TL400 and TL700

PARCEL 2:

Lot 1, 2 and East 2/3 of Lot 7

Lot 3, Section 8, Township 29 South, Range 7 West, Willamette Meridian.

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AmeriTitle 706032

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FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED:

T29S, R07W, S08 TL200, TL300 and TL800

PARCEL3:

Beginning at the Northeast corner of said Lot 4 which is the Northeast corner of Section 7 said Township 26, Range 7; thence running South 0° 45' West 1097.5 feet or to the North line of the D. Wells Donation Land Claim No. 39, said Township and Range; thence West 420 feet to the Northwest corner of said Claim; thence South 267.9 feet to the center of said Olalla-Tenmile road; thence following along the center of said road North 43° 30' West 86.2 feet; North 75° 32' West 372.4 feet; North 68° 37' West 212.4 feet; North 63° 48' West 193.1 feet and North 71° 56' West 143.8 feet to the West line of said Lot 4; thence North 0° 02' East 1018.0 feet to the Northwest corner of Lot 4; thence South 89° 32' East 1363.0 feet, along the North line of said Lot 4 to the place of beginning, deducting half of said County Road.

EXCEPTING THEREFROM THE FOLLOWING:

Beginning at a point on the North line of the Olalla to Tenmile County Road, which is North 240.0 feet from the Northeast corner of Lot 12, Section 7, Township 29 South, Range 7 West, Willamette Meridian, as set by a deputy county surveyor; thence running North 330.0 feet along the West line of the Northeast quarter of the Northeast quarter (NE 1/4 NE 1/4), known as Lot 4, of said Section 7, to an iron pipe; thence South 82° 11' East 562.1 feet to an iron pipe; thence South 21° 50' West 452.0 feet to an iron pipe on the North line of said road; thence North 65° 57' West 408.3 feet along the North line of said road, to the place of beginning and situated in the Northeast quarter of Section 7, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED:

T29S, R07W, S07, TL100

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

- | | |
|--------|------------------------|
| R69377 | T29S, R07W, S05 TL1100 |
| R69384 | T29S, R07W, S05 TL1200 |
| R70091 | T29S, R07W, S08 TL200 |
| R70098 | T29S, R07W, S08 TL300 |
| R69818 | T29S, R07W, S08 TL400 |
| R69797 | T29S, R07W, S08 TL400 |
| R70259 | T29S, R07W, S08 TL700 |
| R70266 | T29S, R07W, S08 TL800 |

The true and actual consideration for this conveyance is \$550,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

2011-2012 Real Property Taxes a lien not yet due and payable.

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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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 22nd day of September, 2011.

THE FORGIE LOVING TRUST

BY James Warner Forgie Trustee
James Warner Forgie, Trustee

State of Oregon
County of DOUGLAS

This instrument was acknowledged before me on September 22 2011 by JAMES WARNER FORGIE, Trustee or his Successors in Trust, under THE FORGIE LOVING TRUST dated July 13, 2000, and any amendments thereto

Kathleen A Brown
(Notary Public for Oregon)

My commission expires 10-17-14



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END OF DOCUMENT

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

AGREEMENT made this 17th day of September 2018 between
LOOKINGGLASS OLALLA WATER CONTROL DISTRICT
and Roland Thesis

**WATER RIGHTS
NOTES**
New permit pending

DISTRICT AND CONSUMER AGREE:

USE TO BE MADE OF WATER / STORAGE ALLOCATION / DIVERSION LOCATION:

USE OF WATER	ACRES	STORAGE ALLOCATED	TWP	RGN	SEC	TL OR ¼ SECTION
IRRIGATION	90	225 Ac. Ft.	29S	R 7W	7 & 8	Tax lot 400
MUNICIPAL						
SUB-DISTRICT						
INDUSTRIAL						
MULTIPURPOSE						

TYPE AND TERM OF AGREEMENT / FEES:

AGREEMENT TYPE	BEGINNING DATE	RENEWAL DATE	METER READING FEE	ADMINISTRATION FEE (ANNUAL)	USE FEE
METERED	9-17-18	1-1-2023	\$160.00 Fixed for duration of contract.	\$250.00 Fixed for duration of contract.	AS PER ATTACHED EXHIBIT "A" And attached map

New Contract Fee \$500.00

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Administration fee \$250.00

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Evan Barnes, LOWCD Manager 541-680-6702 brranchlreb@gmail.com

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This agreement is made upon the following terms and conditions:

1. Price of Water Service; Payment.

1.1 The price of stored water purchased by the Consumer shall be at the rates shown in attached Exhibit A, as may be amended from time to time, and shall be applicable at the time the Consumer signs this agreement.

1.2 The annual administration fee, the meter reading fee and the use fee shall be non-refundable and due in full no later than 60 days after billing.

1.3 The Consumer shall pay the billing for the season's water use within 60 days of being billed. The Consumer shall pay interest on the billing at the rate of 18% per annum from the date of billing on all late payments. Additionally, there shall be a late fee of \$10.00 for every 60-day period that the account remains delinquent. The District has the right to refuse to deliver water to the Consumer or the real property to which water is furnished under this agreement at any time that the Consumer is in default in the payment of any water charge or billing. Default is defined as any billing, or portion thereof, that remains unpaid for a period of 60 days or more.

1.4 The District shall periodically review and may adjust the price of water as shown on Schedule A, taking into account the following factors and any other factors that are reasonable to consider:

1.4.1 The current cost of operating and maintaining the dam, reservoir, and related facilities.

1.4.2 The projected costs for operating, maintaining, and replacing delivery facilities, including administrative expenses.

1.4.3 The price of water provided by similar facilities for similar uses.

2. Meters and Equipment.

2.1 All installations and facilities, such as but not limited to the intake pipe, pump, electrical wiring, etc., shall be provided by the Consumer at his or her own expense. The cost, installation, and maintenance of meters shall be the responsibility of the Consumer, and be approved by the State of Oregon and the District.

2.2 All Irrigation Consumers shall use a meter approved by the State of Oregon and the District. Domestic users shall comply with conditions contained within their approved permit from State Water Resources.

3. Use of Water

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3.1 All water provided under this agreement shall be for the uses stated in the declarations on page 1 of this contract, only. As provided on page 1, the uses of the water are limited to irrigation, municipal (only if the Consumer is a municipality), industrial, and multipurpose.

3.2 The Consumer agrees not to use, or allow others to use, the water provided under this agreement for domestic purposes, unless the Consumer is a municipality. The Consumer acknowledges that the water provided under this agreement has not been treated or tested as suitable for drinking water. The Consumer shall indemnify the District from any damages or claim that may result from or arise in connection with any person using the water provided under this agreement for domestic purposes. "Domestic purposes" means use of water for human consumption or household purposes; "domestic purposes" does not include use of water for lawn, garden, yard, or small-scale livestock watering, which are residential irrigation uses.

3.3 The Consumer agrees to not waste water, and agrees to promptly remedy any situation leading to waste of water which may be brought to his or her attention by the District.

3.4 The Consumer shall provide the District with the county assessor's tax lot identification describing where water under this contract shall be used.

4. Contract Term and Extensions for Metered Service Consumers.

The contract for Consumers currently using meters (metered service) shall terminate December 31, 2023. Metered service Consumers shall have the right to extend the terms of this contract for additional periods of 10 years each under the following conditions:

4.1 A functioning meter approved by the State of Oregon and the District is in use.

4.2 The Consumer is paid current and not in default of any of the contract terms.

4.3 The extension shall occur automatically without further act or agreement of the parties at the end of the then-current term. Each extension shall take effect on January 1 after extension.

4.4 The provisions of this contract shall apply to any extension of the contract, except for changes in the price of service, which may be modified.

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4.5 The Consumer shall not be entitled to extend the term of this contract if he or she is in default of any of the terms under this contract at the end of the then-current term.

5. Termination of Contract by Consumer.

The Consumer may terminate his or her contract by giving written notice to the District at least 30 days prior to the date of termination. The Consumer shall be responsible for the full fee for the entire irrigation season, unless the contract is terminated prior to the start of irrigation season (March 1).

6. Termination and Reinstatement of Contract by District.

The District may terminate for cause any person's right to receive water under an irrigation contract by mailing written notice to the affected person at that person's last known address at least 30 days prior to date of termination. The District may terminate or refuse to extend or reinstate an irrigation contract for any of the following causes:

6.1 Non-payment of irrigation fees after the District mailed written notice that one or more fees were due. The District may reinstate the contract if payment is received within the 30-day period.

6.2 Refusal or failure to comply with District regulations or orders. The District may reinstate the contract if the contract holder complies with District regulations and orders within the 30-day period.

6.3 Change in ownership of the land to which water is being provided. The District may reinstate the contract if the new owner agrees to enter into a new contract with the District within the 30 day period, provided any sums due to the District for providing water service to the real property involved are paid in full.

6.4 Change in circumstances that make it likely that the District will not be able to provide water to all contract holders. The District may reinstate the contract if circumstances further change so as to make it likely the District will have sufficient water for the projected need.

In all cases, the District's decision to terminate or reinstate an irrigation contract shall be at the discretion of the District. A decision to terminate or reinstate a particular contract shall have no precedential value in determining whether to terminate or reinstate the same or a different contract in a later situation.

7. Allocation of Water in Drought Years.

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In the event of a drought year (e.g., any year in which Ben Irving Reservoir does not fill through natural rainfall to the point where all District irrigation contract holders can be supplied with enough water to satisfy their contracts) the District shall use reasonable efforts to evenly allocate water to all Consumers by an across-the-board percentage cut in allocations. For example, if the reservoir level requires a 25% cut in allocations, the District shall use reasonable efforts to assure that all Consumers shall have their allocations cut 25%, i.e., each Consumer shall receive 75% of his or her contracted water. Meters shall be read on a regular basis and when the allocated amount of water has been delivered, the pump shall be tagged out by District personnel. Consumers with flat rate service shall be contacted by the District as early as reasonably possible in a drought year to determine which acreage Consumer shall not irrigate that year.

8. Water Rights.

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

9. Right of Entry.

The District, its agents, employees, and contractors, shall have the right at all reasonable times to enter upon the premises of the Consumer to inspect the water intake and meter and beneficial use of the water. The Consumer agrees to maintain such areas to ensure safety of the meter reader, and to provide such access to the District and its personnel.

10. Miscellaneous.

10.1 The obligation of the District to deliver water to the Consumer is conditioned upon the ability of the District to provide the same. The District shall not be liable for failure to deliver the water at any given time or in any given amount if it is prevented from doing so by breakdown of facilities, accidents or other events which may occur.

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

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10.3 The District reserves the right to promulgate reasonable rules and regulations from time to time applicable to all water users of the District governing the taking and use of water from the District, and the implementation of the terms of this contract.

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

10.5 In the event any court action or suit is necessary to enforce payment or any other provision of this agreement, the prevailing party shall be entitled to reasonable attorney fees and costs as determined by the court. Jurisdiction and venue of any case filed to enforce the terms of this agreement shall be exclusively in the circuit court of Douglas County, in Roseburg, Oregon.

10.6 Where the place of use for the Consumer is outside the established District boundary, the price of stored water shall be at Galesville Project rates as shown in attached Exhibit B. Galesville agricultural rates are based on irrigated acreage and would not therefore require metering, unless required by the State of Oregon, or an annual meter reading fee. Should the Consumer irrigate acreage both inside and outside the District boundary, flow meters would be required to measure at the point of diversion and to measure the amount of stored water delivered to out-of-district acres. In this case, the Consumer would be assessed an annual meter reading fee. Galesville rates would apply to out-of-district use and District rates would apply to in-district use.

IN WITNESS WHEREOF, the parties have affixed their signatures below.

LOOKINGGLASS-OLALLA WATER CONTROL DISTRICT

BY: *Guy Barnes*

Date 9-17-2018

(Representing District)

BY: *Roland Chis*

Date 9-17-2018

(Landowner)

PHONE: 541-863-4727

PHONE: 541-430-7263

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E-mail_

Physical Address: 4967 Olalla Road
Winston Oregon 97496

Billing Address:
P.O. Box 824

Myrtle Creek Oregon 97457

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LOOKINGGLASS OLALLA WATER CONTROL DISTRICT
 BEN IRVING RESERVOIR

EXHIBIT A
 RATE SCHEDULE

EFFECTIVE JANUARY 2014 through DECEMBER 2023
 (Revision date shown below)

67-988-5

TYPE OF USER	ANNUAL ADMINISTRATION FEE Amended April 26, 2016	ANNUAL METER READING FEE	ANNUAL RATE OF USE FEE	COMMENTS
IRRIGATION (METERED) ALL NEW CONTRACTS \$500.00 (one-time) Administration fee due w/ new contract. Contract Transfer fee \$250.00	\$125.00 1-10 Acres \$250.00 11-90 Acres \$500.00 91 + Acres	\$160.00 PER METER	\$12.00 PER ACRE FOOT	METER REQUIRED
IRRIGATION SUB DISTRICT (UP TO 4 IRRIGATORS) EACH ADDED IRRIGATOR	\$250.00 \$75.00	\$160.00 PER METER	\$12.00 PER ACRE FOOT	MASTER METER REQUIRED
MUNICIPAL/QUASI MUNICIPAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
INDUSTRIAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
DOMESTIC	\$165.00	NO METER REQUIRED	\$128.00 PER DWELLING - NO MORE THAN 3 DWELLINGS PER CONTRACT ON 1 PARCEL	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM - CURRENTLY NO METER REQUIRED
MULTIPLE USE	TBD	\$160.00 PER METER	\$64.00 PER ACRE FOOT	METER REQUIRED
DOMESTIC EXPANDED	\$165.00	NO METER REQUIRED BY LOWCD	\$64.00 PER ACRE FOOT = \$128.00 PER YEAR FLAT FEE	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM - CURRENTLY NO METER REQUIRED
Truck washing, dust control	\$165.00	none	\$70.00 2 acre feet maximum	Meter not required

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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

September 25, 2018

Roland Theiss, Margaret Theiss, Carl Lebengood
P.O. Box 824
Myrtle Creek, Or. 97457

COPY

Dear Roland, Margaret, and Carl,

The Water Resources Department has received your application for a permit to use surface or ground 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).

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

~~Please transfer the information from this outdated application form to the new form I have provided.~~

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

Sincerely,

Edward P. Gosse
Water Rights Customer Service

Cc: OWRD Fiscal

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.

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Added to file for Clarity
on Date Stamp.
10/10/18
Be.



Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

Signature (in ink) of *all* applicants or the applicant's authorized agent (include title or authority if for an organization or corporation):

Division 33

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