

Application for a Permit to Use
Surface Water

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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 TOM AND/OR CHARLOTTE MILLER		PHONE (HM) (530)518-7245	
PHONE (WK)	CELL		FAX
ADDRESS 5265 UPPER OLALLA ROAD			
CITY WINSTON	STATE OR	ZIP 97496	E-MAIL * MIGHTYMILLERS@SBCGLOBAL.NET

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 *

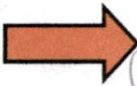
Note: Attach multiple copies as needed

* 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.)

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.

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



	Tom Miller	9-19-19
Applicant Signature	Print Name and Title if applicable	Date
	Charlotte A. Miller	9-19-2019
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.

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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).*

Franz C & Julie A Nenzel
27940 Percheron Rd
Reno, NV 89508
T29S. R7W. Section 8 Taxlot 1700

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 Cr>Olalla Cr>South Umpqua Rv.
TRSQQ of POD: T29S. R7W. Sec 20 SENW Re-Diversion T29S. R7W. Sec 8 NESW	
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?

R8444 Ben Irving Reservoir

For Department Use: App. Number: 5-00744

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.

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

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

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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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	Domestic Expanded	Year Round 2 AF	<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: _____ 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: 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): 1/2 horsepower electric submersible 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 Olalla Creek with 2" pipe to residence for Domestic Expanded use and irrigation of up to 1/2 acre lawn/garden.

B. Application Method

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

Household plumbing system and lawn/garden irrigation sprinklers.

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 Domestic Expanded use on the property. An in-line flow restrictor will be installed prior to the diversion of water. Most efficient method 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 the 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 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 Lookingglass Olalla Water Control District

SECTION 8: PROJECT SCHEDULE

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- a) Date construction will begin: Existing System
- b) Date construction will be completed: N/A
- c) Date beneficial water use will begin: Upon issuance of permit.

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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 Lookingglass Olalla Water Control District	Address PO Box 1579	
City Roseburg	State OR	Zip 97471

SECTION 10: REMARKS

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

For Department Use: App. Number: 5-88744

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

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Applicant

NAME TOM AND/OR CHARLOTTE MILLER		PHONE (HM) (530)518-7245	
PHONE (WK)	CELL	FAX	
ADDRESS 5265 UPPER OLALLA ROAD			
CITY WINSTON	STATE OR	ZIP 97496	E-MAIL* MIGHTYMILLERS@SBCGLOBAL.NET

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:
T29S.	R7W.	8	NESW	1600		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Domestic
T29S.	R7W.	8	NESW	1700		<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

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) _____

Ben Irving Reservoir

Estimated quantity of water needed: 2.0 AF cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

Domestic Expanded use including irrigation of 1/2 acre lawn/garden.



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.

app 5-08744

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.

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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): 5R 3.8.050 OWRD
- 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.

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

5R ; R 70161 ; WS19-0820
2018

NAME <u>ANNABELLE LIND</u>	TITLE: <u>PLANNER</u>
SIGNATURE 	PHONE: <u>541-440-4289</u>
GOVERNMENT ENTITY <u>DOUGLAS COUNTY PLANNING</u>	DATE: <u>9-19-19</u>

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: _____

app 5-80744

Douglas County Official Records
Patricia K. Hitt, County Clerk

2014-014338



\$61.00

DEED-BS Cnt=1 Str=12 HEDI
\$20.00 \$11.00 \$20.00 \$10.00

10/29/2014 02:01:18 PM

DOUGLAS COUNTY CLERK

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CERTIFICATE PAGE

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

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

After Recording Return to: Randy C. Rubin, Attorney at Law, P.C. 836 W. Military, Suite #206 Roseburg, OR 97471	Until a change is requested all tax statements shall be sent to the following address: No change at this time.
--------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------

BARGAIN AND SALE DEED - STATUTORY FORM

Julie A. Nenzel, Grantor, conveys to **Franz C. Nenzel and Julie A. Nenzel**, husband and wife, Grantees, the real property located in Douglas County, Oregon and more particularly described as follows:

See attached Exhibit A.

The true consideration for this conveyance was other property or value that was part of the whole consideration.

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 22 day of October, 2014.


 Julie A. Nenzel

STATE OF OREGON)
)
 County of Douglas) ss.

This instrument was acknowledged before me on the 22nd day of October, 2014, by **Julie A. Nenzel**.




 Notary Public for Oregon
 My Commission Expires: June 9, 2018

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EXHIBIT A

PARCEL 1:

BEGINNING at a 1/2 inch iron rod on the Westerly line of lands deeded to Douglas County, Oregon, by Recorder's No. 347509, Deed Records of Douglas County, Oregon, from which the quarter corner common to Sections 8 and 17, Township 29 South, Range 7 West, Willamette Meridian, bears South 10° 20' 27" East 1475.32 feet; thence North 89° 22' 20" West 468.46 feet to a 1/2 inch iron rod; thence North 16° 35' West 93.50 feet to a 1/2 inch iron rod; thence North 89° 22' 20" West 185.86 feet to a 1/2 inch iron rod; thence North 82° 56' 32" West 280.38 feet to a 1/2" iron rod being 30 feet East from a North-South fence line and the East line of the John Bell Logging Company land; thence North 2° 16' East 308.01 feet to a 1/2" iron rod being 30 feet East and parallel with the East line of the aforementioned land; thence South 85° 51' 10" East 604.32 feet to a 1/2" iron rod; thence East 184.60 feet to a 1/2" iron rod; thence North 31° 16' 20" East 120.37 to a 20" Cedar tree; thence North 2° 23' 15" East 183.35 feet to a 1/2" iron rod; thence North 34° 07' 27" East 20.70 feet to a 1/2" iron rod on the Westerly right of way line of County Road No. 38; thence South 14° 14' East along said Westerly right of way line 142.81 feet to a 1/2" iron rod; thence continuing along said right of way South 16° 13' 16" East 239.93 feet to a 1/2 inch iron rod being the Northeast corner of the aforementioned Douglas County Lands; thence leaving said Westerly right of way South 85° 17' 41" West along the North line of said Douglas County Lands 130.00 feet to the Northwest corner thereof; thence South 18° 16' 49" East along the Westerly line of said Douglas County lands 336.00 feet to the point of beginning, situated in Section 8, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM one half of all mineral, oil and gas beneath the surface of the above described lands, as reserved by Glenn F. Buchholz and Mae R. Buchholz in Book 313, Page 58, Recorder's No. 306851, records of Douglas County, Oregon.

PARCEL 2:

Beginning at a point from which the one quarter corner common to Sections 8 and 17, Township 29 South, Range 7 West, Willamette Meridian, bears South 82° 56' 32" East 280.38 feet and South 89° 22' 20" East 185.86 feet and South 16° 35' East 93.50 feet and South 89° 22' 20" East 468.46 feet and South 10° 20' 27" East 1475.32 feet; thence North 2° 16' East 308.01 feet; thence South 85° 51' 10" East 125 feet; thence North 2° 16' East 125 feet; thence North 85° 51' 10" West 155.00 feet to a point on the John Bell Logging Company lands; thence South 2° 16' West 431.48 feet to a point; thence South 82° 56' 32" West 30.09 feet to the point of beginning. The above described parcel situated in Section 8, Township 29 South, Range 7 West, Willamette Meridian.

EXCEPTING THEREFROM one half of all mineral, oil and gas beneath the surface of the above described lands, as reserved by Glenn F. Buchholz and Mae R. Buchholz in Book 313, Page 58, Recorder's No. 306851, records of Douglas County, Oregon.

PARCEL 3:

A parcel of land being a portion of Section 8, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, and being described as follows: Beginning at a 1/2 inch iron rod at the most southerly southeast corner of that property described in Recorder's No. 78-16161, Records of Douglas County, Oregon and being in the westerly line of the property deeded to Douglas County in Recorder's No. 347509, Deed Records of Douglas County, Oregon, from which the south quarter corner of said Section 8, bears South 10° 20' 27" East 1475.32 feet; thence North 18° 16' 49" West along said westerly line 336.00 feet to the northwest corner of the property deeded to Douglas County in Recorder's No. 347509; thence North 85° 17' 41" East along the northerly line of said Douglas County property, 130.00 feet to the westerly right of way line of County Road No. 38; thence Southeasterly, along said right of way 350 feet, more or less, to a point that bears south 89° 22' 20".

Subject to:

Regulations, including levies, liens, assessments, rights of way, and easements of the Lookingglass Olalla Water District.

The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Rights of the public and of governmental bodies and the ownership of the State of Oregon in and to that portion of the premises herein described lying below the high water mark of Olalla Creek.

Any adverse claims based upon the assertion that Olalla Creek has moved.

Easement for ingress and egress above and below the surface of the land as implied by reservation of mineral rights in deed, Dated: August 18, 1961 Recorded: May 2, 1962 in Book 313, Page 58, Recorder's No. 306851, records of Douglas County, Oregon From: Glenn F. Buchholz and Mae R. Buchholz, husband and wife To: Keith Dale Husen and Evelyn Frances Husen, husband and wife.

Easement as referenced in Warranty Deed, including the terms and provisions thereof, For: grant of access to Olalla Creek for irrigation and related facilities Recorded: May 2, 1962 in Book 313, Page 58, Recorder's No. 306851, records of Douglas County, Oregon In favor of: Gary G. Buchholz and Vera Mae Buchholz, husband and wife Affects: exact location not set out.

An easement created by Bargain and sale Deed, including the terms and provisions thereof, Dated: May 12, 1977 Recorded: May 19, 1977 in Book 634, Page 827, Recorder's No. 77-8790, records of Douglas County, Oregon In favor of: Marvin K. Husen and Janet S. Husen For: access to parcel conveyed Affects: as set out in document.

Easement, agreement for road maintenance, and easement for water and electricity and related facilities, including the terms and provisions thereof, Dated: August 22, 1978 Recorded: August 22, 1978 in Book 688, Page 419, Recorder's No. 78-16161, records of Douglas County, Oregon Between: Keith D. Husen and Evelyn Husen And: Joseph E. Parker and Betty Jo Parker.

13. 30 foot easement as set out in Minor Land Partition, recorded September 6, 1978 in Surveyors Map File No. M73-3, records of Douglas County, Oregon.

An easement created by instrument, including the terms and provisions thereof, Dated: March 16, 1979 Recorded: March 19, 1979 in Book 711, Page 686, Recorder's No. 79-04500, records of Douglas County, Oregon In favor of: Keith D. Husen and Evelyn F. Husen, husband and wife For: water lines or pipe lines and electric wires and related facilities Affects: exact location not set out.

An easement created by instrument, including the terms and provisions thereof, Dated: March 16, 1979 Recorded: March 19, 1979 in Book 711, Page 688, Recorder's No. 79-04501, records of Douglas County, Oregon In favor of: Keith D. Husen and Evelyn F. Husen, husband and wife For: use of spring and water line and related facilities Affects: exact location not set out.

Easement as created by Major Land Partition, including the terms and provisions thereof, Recorded: February 22, 1988 in Surveyors Map No. M105-56, Recorder's No. 88-01965, records of Douglas County, Oregon In favor of: Parcel 2 in said Major Land Partition For: 30 foot road easement.

Real Estate Contract, including the terms and provisions thereof, a memorandum of which was, Dated: November 7, 1990 Recorded: November 9, 1990 in Book 1118, Page 245, Recorder's No. 90-16657, records of Douglas County, Oregon.

Vendor: Douglas County, a political subdivision of the State of Oregon.

Vendee: J. Elene Husen (affects Parcel 3 and other property) The vendee's interest in said-Real Estate Contract was quitclaimed by instrument, Dated: January 11, 1991 Recorded: January 17, 1991 in Book 1124, Page 612, Recorder's No. 91-00600, records of Douglas County, Oregon To: Joseph E. and Betty J. Parker.

The terms and provisions to that Declaration of Modification of Easement between Clarence E. Beeman et ux, to Marvin K. Husen et ux recorded in Book 1135, Page 779, Recorder's No. 91-06709, records of Douglas County, Oregon.

The terms and provisions of that easement agreement recorded December 30, 1993 in Book 1273, Page 171, Recorder's No. 93-26265, records of Douglas County, Oregon.

Western Title & Escrow Company
12/10/19 9:51 - LKC
(Deed)

Douglas County Official Records	2019-005253
Patricia K. Hitt, County Clerk	03/28/2019 02:39:00 PM
DEED-WD Cnt=1 Stn=17 RRHARRIS	\$106.00
\$25.00 \$11.00 \$10.00 \$60.00	

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DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM
ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

After Recording Return to:

Western Title & Escrow Company
2365 NW Kline Street, Suite 101
Roseburg, OR 97471

RECORDING REQUESTED BY:

 **Western** Title & Escrow

2365 NW Kline Street, Suite 101
Roseburg, OR 97471

GRANTOR'S NAME:
Rudy Pfisterer

GRANTEE'S NAME:
Thomas G. Miller and Charlotte A. Miller

AFTER RECORDING RETURN TO:
Order No.: WT0169811-LKC
Thomas G. Miller and Charlotte A. Miller, as tenants by the entirety
5265 Upper Olalla Road
Winston, OR 97496

SEND TAX STATEMENTS TO:
Thomas G. Miller and Charlotte A. Miller
5265 Upper Olalla Road
Winston, OR 97496

APN: R70161
R70133
Map: 29-07W-08-01600
29-07W-08-01500

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Rudy Pfisterer, Grantor, conveys and warrants to **Thomas G. Miller and Charlotte A. Miller**, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Douglas, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED THOUSAND AND NO/100 DOLLARS (**\$300,000.00**). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: March 26, 2019

Rudy Pfisterer
Rudy Pfisterer

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State of OREGON
County of Douglas

This instrument was acknowledged before me on MARCH 26, 2019 by Rudy Pfisterer.

Lonni Kay Conopa
Notary Public - State of Oregon

My Commission Expires: 10/28/2019



EXHIBIT "A"
Legal Description

PARCEL 1: Beginning at an iron pipe on the westerly right of way line of the Olalla County Road and on the west side of Olalla Creek, which is North 8°44' West 2034.0 feet from the south quarter section corner of Section 8, Township 29 South, Range 7 West, Willamette Meridian; thence running from said beginning point South 25°21' West 89.7 feet and South 11°45' West 86.0 feet along the west side of said creek to an iron pipe; thence West 215.6 feet to an iron pipe; thence North 418.0 feet to an iron pipe; thence East 208.0 feet to an iron pipe on the west right of way line of said road; thence South 14°14' East 261 feet along said right of way line to the place of beginning and situated in Section 8, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

ALSO, beginning at a 1/2" iron bolt from which the one-quarter corner common to Sections 8 and 17, Township 29 South, Range 7 West, Willamette Meridian, bears South 17°24'43" East 1935.34 feet; thence North 417.37 feet to a 1/2" iron pipe; thence South 82°30' West 30.26 feet to a 1/2" iron rod; thence South 413.42 feet to a 1/2" iron rod; thence East 30.00 feet to the point of beginning, situated in Section 8, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM the following: Beginning at a 1/2" rod on the westerly right of way line of County Road No. 38, from which the one-quarter corner common to Sections 8 and 17, Township 29 South, Range 7 West, Willamette Meridian, bears South 8°41'48" East 2034.84 feet; thence South 25°21' West 89.70 feet to a point; thence South 11°45' West 86.00 feet to a 1/2" iron pipe; thence West 60.93 feet to a 1/2" iron rod; thence North 31°16'20" East 120.37 feet to a 20" cedar tree; thence North 2°23'15" East 183.35 feet to a 1/2" iron rod; thence North 34°07'27" East 20.70 feet to a 1/2" iron rod on the aforementioned westerly right of way line; thence South 14°14' East along said westerly right of way line, 142.81 feet to the point of beginning, situated in Section 8, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon.

PARCEL 2: Beginning at a point from which the south quarter corner of Section 8, Township 29 South, Range 7 West, Willamette Meridian, Douglas County, Oregon bears South 14°14' East 261 feet and South 8°44' East 2034 feet; thence West 208 feet; thence North 80°32'58" East 202.25 feet to the west right of way line of County Road No. 38; thence South 14°14' East to the point of beginning.

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EXHIBIT "B"
Exceptions

Subject to:

1. Regulations, levies, liens, assessments, rights of way and easements of Lookingglass-Olalla Water District.
2. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
3. Reservation, exception or other severance of minerals, together with the implied or express appurtenant rights to use the surface of the land for the development or extraction of such minerals, contained in or disclosed by instrument,
In favor of: Glenn F. Bucholz and May R. Bucholz
Reservation of: one half of all mineral, oil and gas beneath the surface
Recording Date: May 2, 1962
Recording No.: 308851, Book 313, Page 58
The Company makes no representation as to the present ownership of this interest or its encumbrances.
4. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;
Reserved by: Gary G. Buchholz and Vera Mae Buchholz
Purpose: irrigation purposes
Recording Date: May 2, 1962
Recording No: 306851, Book 313, Page 58
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Kenneth L. Jenkins and Genevieve W. Jenkins
Purpose: Spring, water use and pipeline
Recording Date: April 13, 1982
Recording No: 82-03580, Book 816, Page 55
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: West Douglas Electric Cooperative, Inc.
Purpose: Public Utilities
Dated: February 25, 1939
Recording Date: April 14, 1995
Recording No: 95-07485, Book 1347, Page 99p

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

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SEP 23 2019

AGREEMENT made this 17th day of September 2019 between
LOOKINGGLASS OLALLA WATER CONTROL DISTRICT
and Tom & Charlotte Miller

OWRD
**WATER RIGHTS
NOTES**
Water Right Application
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

DOMESTIC EXPANDED		2 Acre Feet	29S	7	8	1600
-------------------	--	-------------	-----	---	---	------

SUB-DISTRICT

INDUSTRIAL

MULTIPURPOSE

TYPE AND TERM OF AGREEMENT / FEES:

AGREEMENT TYPE	BEGINNING DATE	RENEWAL DATE	METER READING	ADMINISTRATION FEE (ANNUAL)	USE FEE
Domestic Expanded	9-17-19	1-1-2023	N/A	\$165.00	\$128.00

PER ATTACHED
EXHIBIT A

New contract fee \$500.00

Yearly Administration Fee \$165.00

This agreement is made upon the following terms and conditions:

app 5-88744

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 B, 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.

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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

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. Unless the contract is titled "Domestic Expanded"

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.

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4. Contract Term and Extensions for Metered Service Consumers.

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

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

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

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

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

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

5. Termination of Contract by Consumer.

The Consumer may terminate his or her contract by giving written notice to the District at least 30 days prior to the date of termination. The Consumer shall be responsible

for the full fee for the entire irrigation season, unless the contract is terminated prior to the start of irrigation season (March 1).

6. Termination and Reinstatement of Contract by District.

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

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

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

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

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

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

7. Allocation of Water in Drought Years.

In the event of a drought year (e.g., any year in which Ben Irving Reservoir does not fill through natural rainfall to the point where all District irrigation contract holders can be supplied with enough water to satisfy their contracts) the District shall use reasonable 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.

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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.

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10. Miscellaneous.

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

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

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

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

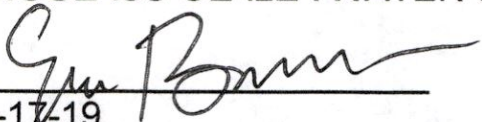
10.5 In the event any court action or suit is necessary to enforce payment or any other provision of this agreement, the prevailing party shall be entitled to reasonable attorney fees and costs as determined by the court. Jurisdiction and venue of any case filed to enforce the terms of this agreement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

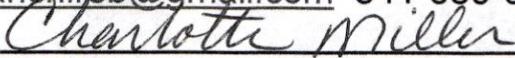
IN WITNESS WHEREOF, the parties have affixed their signatures below.

LOOKINGGLASS-OLALLA WATER CONTROL DISTRICT

BY: 
Date 9-17-19

Representing District

brranchlreb@gmail.com 541-680-6702

BY: 
Date 9-17-19

Consumer/Landowner/Agent

PHONE: 530-518-7245

FAX:

E-mail: conk@mcsi.net

Billing Address 5265 Upper Olalla Road

Physical Address:
Same

Tom & Charlotte Miller
5265 Upper Olalla Road
Winston Oregon 97496

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OLALLA WATER CONTROL DISTRICT
 IRVING RESERVOIR

EXHIBIT A
 RATE SCHEDULE

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

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 DOMESTIC EXPANDED (same)	\$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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 OWRD



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 24, 2019

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-88744**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Barbara Park Poage, Water Rights Specialist	Phone: 503-986-0859
	Email: barbara.j.poage@oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Cory Middleton
Customer Service Representative
Oregon Water Resources Department

COPY

cc:
File

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

1. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

2. Public Notice

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

3. Proposed Final Order Issued

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

4. Public Notice & Protest Opportunity

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. A protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing, if necessary.

5. Final Order Issued

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

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an applications using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment periods begins. Following the public comment period, the Department can issue the Final Order.