

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 MICHAEL LONG		PHONE (HM)	
PHONE (WK)	CELL 916.671.2338		FAX
ADDRESS 729 YEUST ROAD			
CITY AZALEA	STATE OR	ZIP 97410	E-MAIL * DIESELFIREOSO@ICLOUD.COM

Organization

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

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

AGENT / BUSINESS NAME RICK PARSONS / PARSONSWATER CONSULTING LLC		PHONE 541.499.0257	FAX
ADDRESS 1619 MINEAR ROAD			CELL 303.667.5067
CITY MEDFORD	STATE OR	ZIP 97501	E-MAIL * RICK.PARSONS@PARSONSWATER.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the 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.



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

<u>Michael Long</u> Applicant Signature	<u>Michael Long</u> Print Name and Title if applicable	<u>10/5/2020</u> Date
_____ Applicant Signature	_____ Print Name and Title if applicable	_____ Date

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SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances.
- 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).*

Note Place of Use is 633 Yeust Road, which is also owned by applicant
Irrigation easement (attached) along with conveyance pipe will be placed through 428 Yeust Road, which is owned by McMunn Properties LLC

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. **See attached deed**

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Galesville Reservoir	Tributary to: Cow Creek
TRSQQ of POD: 31S 4W 28 SW NE	
Source 2: Cow Creek	Tributary to: South Umpqua River
TRSQQ of POD: 32S 5W 12 NE SE	

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). **Certificate 91395 and Transfer 9543 (attached)**

B. Applications to Use Stored Water

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.)

See attached 2021 Contract and receipt

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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

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.

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- 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
Galesville Reservoir	Irrigation	3/1 - 10/31	40.14 <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: 18 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: 40.14

- 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

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 10 hp centrifugal
- Other means (describe): _____

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

Water released from Galesville Reservoir will be pumped from Cow Creek into PVC piping across 428 Yeust Road property via culvert to 633 Yeust Road property

B. Application Method

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

Drip tape or sprinkler, depending on crop mix

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 will be piped to site and controlled throughout conveyance infrastructure to minimize waste and limit runoff. Diversions from Cow Creek will be measured using totalizer meter.

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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: Consultation with ODFW will ensure use of approved screen

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: Minimal disturbance expected from construction efforts

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: minimal disturbance to riverine habitat expected from construction efforts

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Runoff will be limited through conveyance system; fertizers and chemical products to the extent necessary, will be applied in limited fashion to ensure limited runoff of chemicals from irrigated fields.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.
Purchase contract for agricultural water from Galesville Reservoir

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: 2021
- b) Date construction will be completed: 2021
- c) Date beneficial water use will begin: upon receipt of permit

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

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SECTION 10: REMARKS

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

Water released from Galesville Reservoir will be the primary source of irrigation on the subject property.

The Point of Diversion (POD) on Cow Creek will be used for the re-diversion of Galesville Reservoir releases, as outlined in this Application. A separate, pending application to Store Water in a Reservoir to be constructed on the subject property (633 Yeust Road) will also rely on the Cow Creek POD as a supplemental supply to streamflow captured and stored from an intermittent stream, tributary to Cow Creek, through the proposed reservoir site. Any diversions from Cow Creek to storage will occur during the storage season, as identified by the 50% Water Availability analysis for the COW CR > S UMPQUA R - AB WINDY CR basin. Once the separate storage right is permitted, a secondary permit will be secured to allow use of the proposed reservoir as a supplemental supply to the irrigated acreage on the property.

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Minimum Requirements Checklist

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

Include this checklist with the application

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

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$ 1765.20
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Land Use Information Form



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

Applicant

NAME MICHAEL LONG			PHONE (HM)		
PHONE (WK)		CELL 916.671.2338		FAX	
ADDRESS 729 YEUST ROAD					
CITY AZALEA		STATE OR	ZIP 97410	E-MAIL* DIESELFIREOSL@ICLOUD.COM	

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
32S	5W	12	NE SE	600	FF and FG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
32S	4W	7	NW SW	2800	FF	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water Water Right Transfer Permit Amendment or Groundwater Registration Modification
 Limited Water Use License Allocation of Conserved Water Exchange of Water

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

Estimated quantity of water needed: 42 cubic feet per second gallons per minute 40.14 acre-feet

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

Briefly describe:

Water will be released from Galesville Reservoir pursuant to contract with Douglas County Natural Resources Department. Released water will be diverted via pump from Cow Creek near NW corner of Tax Lot 600 and carried via pipeline along north and east sides of TL 600 via easement with TL 600 property owner. From that location, water will be conveyed to TL 2800 for irrigation use.

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

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 3.3.050 & 3.5050
- 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

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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.

R52018 & R52074 (WS20-0876)

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

NAME <u>Mariah Mitchell</u>	TITLE: <u>Planner</u>
SIGNATURE <u>Mariah Mitchell</u>	PHONE: <u>(541) 440-4645</u>
GOVERNMENT ENTITY <u>Douglas County Planning Department</u>	DATE: <u>10-5-20</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: _____

EXHIBIT A

Lot 4, and that portion of Lot 3, lying Southeasterly of County Road No. 287, in Section 7, Township 32 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT: Beginning at the point of intersection of the Southeasterly right of way of County Road No. 287, known as Yeast Road and the North boundary of Government Lot 3, said point bears North $87^{\circ}35'$ East 872.12 feet from the West quarter corner of Section 7, Township 32 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence leaving said road right of way and running North $87^{\circ}35'$ East 466.76 feet along the said North boundary of Lot 3 to the Northeast corner thereof; thence South $1^{\circ}24'$ East 256.70 feet along the East boundary of said Lot 3; thence leaving said boundary of Lot 3 and running North $85^{\circ}39'$ West 646.80 feet to a point on the said Southeasterly road right of way; thence North $42^{\circ}31'30''$ East 255.00 feet along said road right of way to the point of beginning, all being situated in the said Government Lot 3, in the Southwest quarter of said Section 7, Township 32 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

ALSO EXCEPTING: Beginning at the Southwest corner of Section 7, Township 32 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 356.08 feet along the West line of Section 7; thence East 737.0 feet; thence South 356.08 feet to the South line of Section 7; thence West 737.0 feet to place of beginning.

ALSO EXCEPTING: A parcel of land being a part of Lot 4, Section 7, Township 32, South, Range 4 West, Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

Beginning at the ^{EAST} Southwest corner of Government Lot 4, Section 7, Township 32 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence West 637.20 feet along the South line of said Section 7 to the Southwest corner of that certain parcel of land conveyed to Richard D. Vredenburg et ux as described in Recorder's No. 78-14146, Douglas County Deed Records; thence North 356.08 feet along the West line of said Vredenburg parcel; thence West 737.0 feet along the South line of said Vredenburg parcel; thence North 610.0 feet along the West line of said Vredenburg parcel and the West line of said Section 7 to a point; thence South $71^{\circ}38'23''$ East 1447.91 feet to a point in the East line of said Government Lot 4, said point being North 510.0 feet from said Southeast corner of Government Lot 4; thence South 510.0 feet along the East line of said Government Lot 4 to the point of beginning.

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Douglas County Official Records
Daniel J. Loomis, County Clerk

2020-017332



\$116.00

00522614202000173320070076

10/05/2020 03:59:19 PM

EASE-EASE Cnt=1 Str=33 HAJOHNST
\$35.00 \$11.00 \$60.00 \$10.00

DOUGLAS COUNTY CLERK, OREGON



CERTIFICATE PAGE

IAW ORS 205.180

DO NOT REMOVE THIS PAGE
FROM ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED
IF DOCUMENT IS RE-RECORDED

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After recording return to:

SBLG, PLLC
2404 E Mill Plain Blvd Suite A
Vancouver WA 98661

WATER LINE EASEMENT AGREEMENT

This WATER LINE EASEMENT AGREEMENT is entered into this ___ day of September 2020 by and between MCMUNN PROPERTIES, LLC, an Oregon limited liability company (“Grantor”) and MICHAEL C. LONG, an Oregon individual (“Grantee”).

RECITALS

WHEREAS Grantor owns certain real property with street address of 428 YEUST RD AZALEA, OR 97410, which is more particularly described in Douglas County Clerk record 2019-006677; and

WHEREAS Grantee seeks an easement (“Easement”) for the purpose of the construction, use, replacement, reconstruction, maintenance and repair, and the non-exclusive use and enjoyment of, a water line and all appurtenant facilities to transport water for Grantee’s agricultural irrigation use and to fill a storage pond that is not to exceed 1.75 million cubic feet or 40 acre feet on Grantee’s land.

In consideration of the mutual promises and obligations herein the Grantor and Grantee covenant and agree as follows:

1. Recitals. The above recitals are hereby incorporated by reference as if set forth fully herein.
2. Grant of Easement. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants unto Grantee and his successors and assigns, an Easement that is fully described in Exhibit A attached hereto, for the purpose of the construction, use, replacement, reconstruction, maintenance and repair, and the non-exclusive use and enjoyment of a water line and all appurtenant facilities to transport water together with the right to perform such excavation, grading, and general earth disturbing activities necessary or incidental thereto, together with all rights, to said Easement and right of way in any way appertaining or belonging. The Easement granted herein shall include all rights, benefits, and privileges necessary or convenient for the full enjoyment and use of the Easement for the purposes described herein and shall include the necessary easements and rights for ingress and egress over the Easement Area. PROVIDED HOWEVER:

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- a. That the Grantee shall restore the surface area and all agricultural crops and landscaping, paving or other improvements to the same condition as existed before such disturbance of the surface area; and
 - b. That if the affected area within the Easement Area is agricultural, that the Grantee shall compensate the Grantor for the fair market value of the crops destroyed or disturbed by the Easement Area, as determined by the fair market value of the crop in the year of the disturbance or destruction.
3. Covenants Running With The Land. The Parties agree that the Easement and rights conferred by this Agreement are intended to, and do, constitute covenants that run with the land and shall inure to the benefit of and be binding upon the Parties and their respective grantees, heirs, successors and assigns, unless the Easement is terminated.
4. Maintenance Cost. Grantee and his successors and assigns shall be solely responsible for maintaining the easement in good condition, inspecting the water line for leaks or damage, and paying for repairs. If Grantee fails to maintain or repair the easement, Grantor, in its sole discretion, may choose to repair the easement and seek reimbursement from Grantee by sending a Notice in writing. If Grantee or his successors and assigns fail to reimburse Grantor within sixty (60) days of Grantor's written Notice, then the Easement shall terminate.
5. Termination. While the Parties intend for the Easement to run with the land, Grantor does not intend to be burdened by the Easement if Grantee or his successors and assigns violate any provision of this Agreement. Under no circumstances will Grantee or his successors and assigns have a right to compensation from Grantor because of the termination of this Easement.
6. Liability for Damages. Excepting any intentional or grossly negligent act by Grantor, Grantee and his successors and assigns shall be solely liable for damages to the Easement and shall reimburse Grantor and its successors and assigns for any damages to Grantor's crops, land, and structures thereon that are caused by the Easement.
7. Compliance with Laws. Grantee shall construct and install the water line in a workmanlike manner and in compliance with applicable laws, statutes, ordinances, rules and regulations of all governing public authorities as those statutes, ordinances, rules and regulation are amended from time to time.
8. Indemnification. Grantee hereby agrees to defend, hold harmless, and indemnify Grantor, its successors and assigns, from and against any and all claims, causes of action, liability, loss, damage, costs and expenses (including reasonable attorney fees) for damage to property or persons whatsoever, arising from or caused by Grantee's gross negligence, intentional act, negligent exercise of any of Grantee's rights or obligations under this Agreement, or Grantee's failure to receive permitting or approval from any government agency prior to constructing this Easement or the contemplated storage pond.
9. Limited Use. Grantee covenants and agrees that Grantee's use of the water will be REASONABLY LIMITED to only what is necessary to grow crops that are suited to the climate and weather of Douglas County as determined by Oregon Department of Agriculture. Grantee covenants and agrees that Grantee will irrigate his crops in as efficient a manner as possible in order to reduce evaporation and minimize water waste, and, if

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Grantee builds any kind of water storage receptacle, that Grantee will maintain the receptacle free of leaks and cracks, in order to minimize water waste so as to prolong Grantor and Grantees' ability to irrigate their crops within the Cow Creek watershed. In addition, Grantee shall construct and install the water storage receptacle in a workmanlike manner and in compliance with applicable laws, statutes and rules and regulations of the Oregon Water Resources Department Dam Safety division. If Grantee breaches this Section 9, Grantor and its successors and assigns will have the right to terminate this Easement, remove the infrastructure, or cap the water line.

10. Water Shortages. Notwithstanding anything to the contrary herein, in times of water shortages, Grantor and Grantor's successors and assigns' right to irrigate crops, maintain landscaping, and draw water for personal or household use, shall AT ALL TIMES take priority over Grantee and Grantee's successors and assigns' right to irrigate their crops. If there is a drought such that Grantor or its successors and assigns are unable to irrigate their crops and their crops are destroyed or damaged due to their inability to irrigate, or Grantor is unable to draw water for personal or household use, and the shortage continues for two (2) consecutive years, this Easement shall terminate and Grantor shall have the right to close off, cap, or remove the infrastructure of the Easement. Grantor does not intend for Grantee's Easement to prevent Grantor from farming its crops.
11. Rights Reserved. Except for the rights, privileges, benefits and easements granted herein, Grantor reserves unto itself all rights of ownership and use to the Easement Area not inconsistent herewith. Provided, however, that Grantor shall not locate any structures which may cause damage to or interfere with the Easement Area.
12. Notices. Any notice, request or other communication to be given by any party hereunder shall be in writing and shall be deemed adequately given only if (i) sent by personal delivery, (ii) first class mail or (iii) by electronic mail, and addressed to the party for whom such notices are intended, addressed in each case as follows:

Grantor's Address:
428 Yeust Road
Azalea OR 97410

Grantee's Address:
729 Yeust Road
Azalea OR 97410

13. Assignment. Grantee may not assign their rights hereunder without the prior written consent of Grantor.
14. Entire Agreement; Amendment. This Agreement may not be amended or modified in any respect whatsoever except by an instrument in writing signed by the parties hereto. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter of this Agreement, and the parties acknowledge and understand that, upon completion, any and all such Schedules and Exhibits shall be deemed to be made a part collectively hereof.

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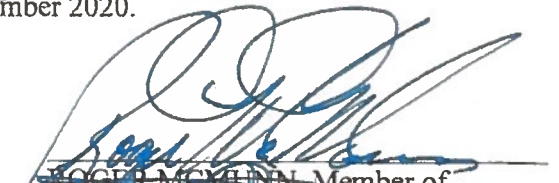
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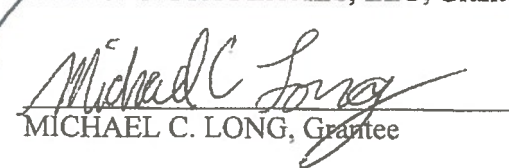
15. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to conflict of laws provisions. If legal action, arbitration or other proceeding is brought to enforce or to resolve any dispute arising under this Agreement, the prevailing Party shall be entitled to recover reasonable attorney fees and other costs incurred in such proceeding, in addition to any other relief to which it may be entitled.
16. Severability. Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby and each such provision shall be valid and remain in full force and effect.
17. No waiver. The failure of Grantor to exercise any right, power or remedy provided under this Agreement or otherwise available at law or in equity, or to insist upon compliance by Grantee with his obligations hereunder, and any custom or practice of the parties at variance with the terms hereof, shall not constitute a waiver by Grantor of its right to exercise any such or other right, power or remedy or to demand such compliance.

TO HAVE AND TO HOLD said easement unto Grantee and its successors and assigns so long as the property described herein is used for the purpose designated above.

Executed this 5 day of ~~September~~^{Oct} 2020.



ROGER MCMUNN, Member of
MCMUNN PROPERTIES, LLC, Grantor



MICHAEL C. LONG, Grantee

[Notary Blocks on Following Page]

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STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

On this day personally appeared before me ROGER MCMUNN, proven to be the individual described in and who executed the within and foregoing Easement Agreement, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal on this 25 day of September 2020.

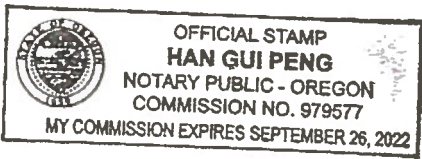


Kristie L Rankin
Notary Public in and for the State of Washington
My appointment expires: 12-29-2023

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

On this day personally appeared before me MICHAEL C. LONG, proven to be the individual described in and who executed the within and foregoing Easement Agreement, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal on this 5 day of ~~September~~ ^{OCT} 2020.



Han Gui Peng
Notary Public in and for the State of Oregon
My appointment expires: 09-26-2026

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Exhibit A: Easement Description

The following described 15-foot wide water line easement is located in the Northeast Quarter of the Southeast Quarter of Section 12, Township 32 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. Said easement being fifteen (15) feet in width, seven and one half (7.50) feet either side of the following described center line, which is One Thousand Four Hundred Twenty-Six and 33/100 (1,426.33) feet in length:

Beginning at a point located in the center of Cow Creek that bears South 89° 47' 04" West 607.78 feet from the Quarter corner of common to Section 12, Township 32 South, Range 5 West and Section 7, Township 32 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, thence running parallel 7.50 feet Southerly of the North boundary of that property described in Deed Reference Number 2019-6677, Deed Records, Douglas County, Oregon, South 89° 30' 31" East 600.31 feet, thence turning and running parallel 7.50 feet Westerly of the Easterly boundary of said property described in said Deed Reference Number 2019-6677, South 0° 08' 50" East 826.02 feet more or less to a point located on the Northerly Right of Way boundary of Douglas County Road Number 287 (Yeust Road) and there terminating.

Basis of Bearing: Survey Map File Number M 129-3, Douglas County Surveyor's Office, Douglas County, Oregon.

End of Description.

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DOUGLAS COUNTY, OREGON

DATE 10/5/2020 DEPARTMENT PW-NRD

RECEIVED OF Nancy Stone
for Michael Long

FOR THE PERIOD OF WY 2021

REFERENCE NUMBER I-2020-3

TRANSACTION DESCRIPTION

Galesville Water Purchase

AMOUNT RECEIVED \$ 668.50

CASH CHECK MONEY ORDER OTHER
3760

RECEIVED BY F. Guyer

RECEIPT NO. 263007

WHITE - PAYOR YELLOW - ATTACH TO REVENUE TRANSMITTAL SHEET PINK - DEPT.

PAYOR

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**CONTRACT FOR PURCHASE OF AGRICULTURAL WATER
FROM GALESVILLE PROJECT**

This contract is made on _____, 20__ between Douglas County, a political subdivision of the State of Oregon, ("County"), and _____
Michael Long, ("Customer").

COUNTY AND CUSTOMER AGREE:

1. TERM AND RENEWAL:

1.1. The initial term of this contract shall begin on January 1, 2021 and end on December 31, 2030, unless it is sooner terminated as provided herein.

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

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

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

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

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

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

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

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

2. AUTHORITY OF PUBLIC WORKS DIRECTOR:

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

2.2. The Director may delegate authority to administer this contract to the Manager of the County Public Works Department, Natural Resources Division (the Division Manager), except for authority to establish the price of water under section 11 of this

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contract. The Director shall retain the right to supersede any decision of the Division Manager in the administration and interpretation of this contract.

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

3. WATER ALLOCATION: Each year during the term of this contract, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 18.00 acres. This allocation shall not exceed 40.14 acre feet per irrigation season as specified on the attached Exhibit A.

4. PERMITS AND CERTIFICATES OF WATER RIGHTS:

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

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

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

5. RELEASE OF WATER:

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

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

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

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

6. DIVERSION AND USE OF WATER:

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

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

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

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

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

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

7. QUALITY OF WATER:

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

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

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

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

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11. PRICE OF WATER:

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$ 668.50 per year.

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

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

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

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

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

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

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

12. PAYMENT:

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

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

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

13. LIMITATIONS ON LIABILITY:

13.1. County shall not be liable for damages or other expenses sustained by Customer resulting from shortages in the quantity of water available for release, or interruptions in water deliveries to Customer, if such shortages or interruptions in

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deliveries are caused partially or entirely by hostile diversion, accidental damage to County facilities, operational failure of County facilities, or any cause beyond County's control.

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

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

14. DEFAULT:

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

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

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

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

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

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

18. NOTICES:

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

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

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18.3. Notices to Customer shall be directed to: _____

Michael Long
729 Yeust Rd. Azalea, OR 97410

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

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

CUSTOMER

By Michael Long
Title Owner

Print Name Michael Long
Date 9-28-20

Phone 916-671-2338

Physical Location: 633 Yeust Rd

DOUGLAS COUNTY

By _____
Scott Adams, Director of Public
Works Department. Authority to sign
contract granted by order of Board of
Commissioners dated February 21, 2018
Date _____

REVIEWED AS TO CONTENT

By _____
Division Manager
Date _____
Coding 21531201-281000

REVIEWED AS TO FORM

By _____
Office of County Counsel
Date _____

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EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

1. 18.00 acres of **primary irrigation**. This allocation shall not exceed 2.23 acre feet per acre each irrigation season.
- Acre Feet: 40.14 Annual Cost: \$ 668.50

SUPPLEMENTAL IRRIGATION

2. Rights whose priority is between March 26, 1974, and November 3, 1983:
- acres of **supplemental irrigation**. This allocation shall not exceed 1.5 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 1.0 acre foot per acre each irrigation season on the main stem, Umpqua River.
- Acre Feet: Annual Cost: \$
3. Rights whose priority is between October 24, 1958, and March 26, 1974:
- acres of **supplemental irrigation**. This allocation shall not exceed 1.0 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 0.6 acre foot per acre each irrigation season on the main stem, Umpqua River.
- Acre Feet: Annual Cost: \$
4. Rights whose priority is prior to October 24, 1958:
- acres of **supplemental irrigation**. This allocation shall not exceed 0.5 acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or 0.3 acre foot per acre each irrigation season on the main stem, Umpqua River.
- Acre Feet: Annual Cost: \$

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

Summary:

Total Acres:	<u>18.00</u>	acres
Total Allocation:	<u>40.14</u>	acre feet
Total Cost:	<u>\$ 668.50</u>	

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STATE OF OREGON
 COUNTY OF DOUGLAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUGLAS COUNTY WATER RESOURCES SURVEY
 1036 SE DOUGLAS AVE. ROOM 306
 ROSEBURG OR 97470

confirms the right to store the waters of COW CREEK, a tributary of SOUTH UMPQUA RIVER, in GALESVILLE RESERVOIR, appropriated under Permit S-48635 AND SUBSEQUENT PERMITS FOR FISH ENHANCEMENT, MUNICIPAL USE, INDUSTRIAL USE, IRRIGATION AND RECREATION.

This right to store these waters was perfected under Reservoir Permit R-9964. The date of priority is MAY 6, 1981 FOR 38,000 ACRE-FEET (AF) AND FEBRUARY 23, 1982 FOR 4225 AF. The amount of water entitled to be stored under this right is shall not exceed 38,225 AF; BEING 4000 AF FOR FISH ENHANCEMENT, 4450 AF FOR MUNICIPAL USE, 2400 AF FOR INDUSTRIAL USE, 10,951 AF FOR IRRIGATION AND 16,424 AF FOR RECREATION

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q
31 S	4 W	WM	28	SW NE
31 S	4 W	WM	28	NW SE

The area inundated by the reservoir is located within:

Twp	Rng	Mer	Sec	Q-Q	GLot
31 S	4 W	WM	27	SW NE	6
31 S	4 W	WM	27	NW NW	
31 S	4 W	WM	27	SW NW	
31 S	4 W	WM	27	SE NW	5
31 S	4 W	WM	27	NE SW	
31 S	4 W	WM	27	NW SW	
31 S	4 W	WM	27	SW SW	
31 S	4 W	WM	27	SE SW	
31 S	4 W	WM	27	NW SE	
31 S	4 W	WM	27	SW SE	
31 S	4 W	WM	28	NE NE	
31 S	4 W	WM	28	SW NE	
31 S	4 W	WM	28	SE NE	
31 S	4 W	WM	28	NE SE	
31 S	4 W	WM	28	NW SE	
31 S	4 W	WM	28	SW SE	
31 S	4 W	WM	28	SE SE	
31 S	4 W	WM	34	NE NE	
31 S	4 W	WM	34	NW NE	
31 S	4 W	WM	34	SW NE	
31 S	4 W	WM	34	SE NE	
31 S	4 W	WM	34	NE NW	
31 S	4 W	WM	34	NW NW	
31 S	4 W	WM	34	SW NW	
31 S	4 W	WM	34	SE NW	

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Twp	Rng	Mer	Sec	Q-Q	GLot
31 S	4 W	WM	34	NE SE	
31 S	4 W	WM	34	SE SE	
31 S	4 W	WM	35	SW NW	
31 S	4 W	WM	35	NW SW	
31 S	4 W	WM	35	SW SW	
32 S	4 W	WM	2	SW NE	
32 S	4 W	WM	2	SE NE	
32 S	4 W	WM	2	NW NW	
32 S	4 W	WM	2	SW NW	
32 S	4 W	WM	2	SE NW	
32 S	4 W	WM	3	NE NE	

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

This certificate describes that portion of the water right confirmed by Certificate 75970, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May 26, 2005 approving Transfer Application 9543 AND correctly identifies the quantity of water that may be stored for RECREATION.

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

Issued JUN 08 2016


 Dwight French, Water Right Services Administrator, for
 Thomas M. Byler, Director
 Oregon Water Resources Department

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) **FINAL ORDER APPROVING CHANGE**
T-9543, Douglas County) **IN CHARACTER OF USE**
)

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DOUGLAS COUNTY NATURAL RESOURCES
1036 SE DOUGLAS AVE. RM 306
ROSEBURG OR 97470

Findings of Fact

1. On 9-8-2003, DOUGLAS COUNTY NATURAL RESOURCES filed a transfer application to change the character of use under Certificate 75970. The Department assigned the application number T-9543.
2. The portion the right to be transferred is as follows:
Certificate: 75970 in the name of DOUGLAS COUNTY WATER RESOURCES SURVEY (perfected under Permit R-9964)
Use: STORAGE FOR IRRIGATION
Priority Date: MAY 6, 1981
Rate: 4000 ACRE FEET
Limit/Duty: 4000 acre-feet
Source: COW CR, tributary to S UMPQUA R

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Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
31 S	4 W	WM	28	SW NE	DAM LOCATION
31 S	4 W	WM	28	NW SE	DAM LOCATION

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

STORAGE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
31 S	4 W	WM	27	SW NE			N/A
31 S	4 W	WM	27	NW NW			N/A
31 S	4 W	WM	27	SW NW			N/A
31 S	4 W	WM	27	SE NW			N/A
31 S	4 W	WM	27	NE SW			N/A
31 S	4 W	WM	27	NW SW			N/A
31 S	4 W	WM	27	SW SW			N/A
31 S	4 W	WM	27	SE SW			N/A
31 S	4 W	WM	27	NW SE			N/A
31 S	4 W	WM	27	SW SE			N/A
31 S	4 W	WM	28	NE NE			N/A
31 S	4 W	WM	28	SW NE			N/A
31 S	4 W	WM	28	SE NE			N/A
31 S	4 W	WM	28	NE SE			N/A
31 S	4 W	WM	28	NW SE			N/A
31 S	4 W	WM	28	SW SE			N/A
31 S	4 W	WM	28	SE SE			N/A
31 S	4 W	WM	34	NE NE			N/A
31 S	4 W	WM	34	NW NE			N/A
31 S	4 W	WM	34	SW NE			N/A
31 S	4 W	WM	34	SE NE			N/A
31 S	4 W	WM	34	NE NW			N/A
31 S	4 W	WM	34	NW NW			N/A
31 S	4 W	WM	34	SW NW			N/A
31 S	4 W	WM	34	SE NW			N/A
31 S	4 W	WM	34	NE SE			N/A
31 S	4 W	WM	34	SE SE			N/A
31 S	4 W	WM	35	SW NW			N/A
31 S	4 W	WM	35	NW SW			N/A
31 S	4 W	WM	35	SW SW			N/A
32 S	4 W	WM	2	SW NE			N/A
32 S	4 W	WM	2	SE NE			N/A
32 S	4 W	WM	2	NW NW			N/A
32 S	4 W	WM	2	SW NW			N/A
32 S	4 W	WM	2	SE NW			N/A
32 S	4 W	WM	3	NE NE			N/A

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3. Application T-9543 proposes to change the character of use to MULTIPLE PURPOSE.
4. Douglas County Natural Resources Division, submitted a letter, received on February 9, 2005, requesting transfer application 9543 be amended to specify the quantity of water being transferred as 4,000 acre feet.
5. There are inadvertent scrivener’s errors in the application supplemental sheet and on the application map related to the authorized place of use that are inconsistent with the certificated water right. Finding of Fact #2 correctly describes the authorized place of use.

6. Certificate 75970 contains a scrivener's error in describing the quantity of water stored for RECREATION PURPOSES. The Certificate lists 14,626 acre feet. The correct quantity is 16,424 acre feet.
7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A diversion structure and reservoir sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right
11. The proposed change would not result in injury to other water rights.
12. Douglas County Natural Resources Division, submitted a letter (FAX) received on March 3, 2005, giving their approval to proceed with issuance of the Preliminary Determination for transfer 9543.

Conclusions of Law

The proposed change in character of use in application T-9543 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in application T-9543 is approved.
2. Water right certificate 75970 is cancelled.
3. The right to store and use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 75970 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The water user shall maintain and operate gaging stations or other suitable devices for measuring and recording inflow to and releases from the reservoir and shall make the data available at the request of the watermaster. The water user shall obtain the Department's approval prior to modifying the measuring devices or maintenance and operational protocols.

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7. When satisfactory proof of the completed changes is received, a new certificate describing the portion of the right not affected by this transfer, confirming the rights transferred, and correcting the scrivener's error will be issued.

Dated at Salem, Oregon this 26th day of MAY 2005.


For Phillip C. Ward, Director

Mailing date: MAY 3 1 2005

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STATE OF OREGON

County of DOUGLAS

PERMIT to CONSTRUCT a RESERVOIR and to STORE for BENEFICIAL USE the PUBLIC WATERS

This is to certify that I have examined APPLICATION R-61641 and do hereby grant the same SUBJECT TO EXISTING RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

This permit is issued to Douglas County Water Resources Survey of Room 103, Justice Building, Roseburg, Oregon 97470, phone 440-4255, for the construction of Galesville Reservoir and storage of water from Cow Creek to be appropriated under Application 61642, Permit 48635 for the use of 4000 acre-feet for fish enhancement, and permits to be issued approving applications to be filed to provide for the use *

The dam will be LOCATED in the: SW 1/4 NE 1/4 of Section 28, Township 31 South, Range 4 West, WM, in the County of Douglas.

The maximum height will be 167 feet above the stream bed or ground surface at the centerline. The top width will be 954 feet, slope of upstream face Vert. , slope of downstream face 1:8 , and height of dam above water line when full 16.0 feet

The area submerged by the reservoir, when full, will be 635 acres , and the maximum depth of water will be 132 feet

* of 4450 acre-feet for municipal use, 2400 acre-feet for industrial use, 14,951 acre-feet for irrigation and 16,424 acre-feet for recreation,

The location and dimensions of the spillway are: Around the dam, the bottom width of the spillway will be 175 feet. The top width of the spillway will be 175 feet. The distance between the crest of the dam and the crest of the spillway will be 16.0 feet.

The location and dimension of the outlet conduit will be: The outlet works will be located to the right of the spillway and will consist of three conduits embedded at the base of the dam. Two of the conduits will be controlled by 54-inch butterfly valves, and will be connected to intakes which move in the vertical. The third conduit will be controlled by a 66-inch butterfly valve, and will be connected to a stationary low level intake. The three conduits will merge into a single conduit controlled by a 60-inch Howell-Bunger valve. Two 36-inch diameter penstocks controlled by butterfly valves will branch off from the conduit controlled by the Howell-Bunger valve.

The structure is in the channel.

The dam will be roller compacted concrete.

The right hereunder shall be limited to the storage of 42,225 acre-feet

The PRIORITY DATE of this permit is May 6, 1981 for 38,000 af and February 23, 1982 for 4,225 af

Actual construction work shall begin on or before August 14, 1985 , and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1985 . ^{Extended to October 1, 87}

Witness my hand this 14th day of August , 1984 .

/s/ WILLIAM H. YOUNG
WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION R-61641

"CERTIFICATE NO. 75970"

PERMIT

R 9964

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Today's Date: Tuesday, October 6, 2020

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	40.14	\$725.20
	Subtotal:	\$1,245.20
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		\$1,765.20

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Michael Long

729 Yeast Rd Azalea, OR 97410

Transaction Type: SW Application

Fees Received: \$ 1765.⁰⁰

Cash

Check:

Check No. 3764

Name(s) on Check: Nancy Stone

Address on Check: 2960 NW Stacie Ct

Roseburg, OR 97471

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

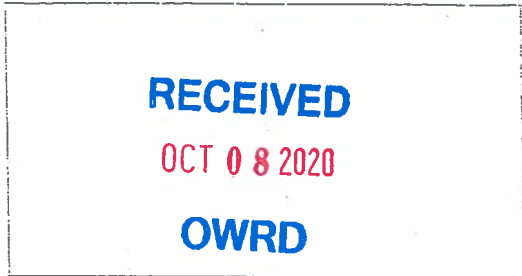
OWRD Customer Service Staff

Submission received by: C. Middleton

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



Date Received (Date Stamp Here)

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OWRD Customer Service Staff

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(Name of OWRD staff)

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