

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



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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You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

Use a separate form for each reservoir

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 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 store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

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

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Long Pond				
Source*:	1) Unnamed Trib	Tributary:	1) Cow Creek		
	2) Cow Creek		2) South Umpqua River		
County:	Douglas				
Quantity:	40 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	32S	4W	7	NW SW	2800
Maximum Height of Dam:	zero feet. If excavated write "zero feet." ZERO FEET				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (please check appropriate box below then skip to section 5) **deed enclosed**
 - There are no encumbrances **This is for Source 1) runoff from the Unnamed Trib to Cow Creek**
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances
- No (Please check the appropriate box below) **attached - This is for Source 2) Cow Creek**
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

Irrigation easement along with conveyance pipe will run through Tax Lot 600, which is owned by:
 McMunn Properties LLC 428 Yeust Road Azalea, OR 97410

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: in-stream or off channel? *The unnamed, intermittent tributary typically runs water for a few months during the winter but is dry the remainder of the year.*

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO *An 1/8 acre on-channel, un-permitted pond on the property has existed for decades. The intent of Applicant is to excavate and enlarge the pond to approximately five surface acres.*

If YES, how long has it been in place? decades years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown

If YES, how much? miles.

Existing: Have you been working with other agencies? YES NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name:		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The 50% Water Availability for the COW CR > S UMPQUA R - AB WINDY CR Watershed (ID #70573 - attached) indicates water is available for storage between November – July. Source 1) Unnamed Tributary to Cow Creek - Live flow does not exist on the intermittent tributary outside of the storage season; therefore, there is no water to pass through the pond outside of the storage season. Source 2) Cow Creek - Water may be diverted between November – July via pump from Cow Creek along north boundary of Tax Lot 600 and carried via pipeline along north and east sides of TL 600 pursuant to easement with TL 600 property owner. Approximate locations from SW corner of Section 7, Township 4 South, Range 4 West, W.M. => Long Pond – centroid at 1400’ North and 950’ East; Cow Creek POD – 2600’ North and 640’ West. Note the same POD is subject to a separate, pending application to Use Surface Water released to Cow Creek from Galesville Reservoir.

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

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Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name Michael Long		
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: <i>flows not available year-round</i>		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: <i>condition to allow storage only when other rights are met</i>		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: <i>Nov.</i> End: <i>July</i> Attach a WARS printout at <u>50%</u> exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: *S. Douthett*
 Watermaster Signature: *S. Douthett* Date: *9/18/2020*

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Michael Long

Address: 729 Yeust Rd, Azalea, OR 97410

Phone/Email: 916-671-2338/dieslefireoso@icloud.com

Reservoir Name: Long Pond Volume (AF): 40

Source: Run-off/Cow Creek

Basin Name: Cow Creek/Pudding River in-channel

Twp Rng Sec QQ: 32S 4W 7 NWSW off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?..... YES NO
- b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period **July through January** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (Coho Salmon) and state sensitive species (Umpqua Chub and Pacific Lamprey) are present in Cow Creek during the period of impact. Instream flows to fulfill C59912 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during July-January. The proposed use could diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use could impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- NO (explain)
- YES (select from Menu of Conditions on next page)

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support biologically necessary flows at the POD and/or downstream during February-June. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use outside this period could impair or be detrimental to an existing fishery resource. If the applicant is interested in pursuing mitigation, please contact ODFW for further information concerning appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right.

ODFW Signature: _____



Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 9/15/20

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

Use this menu to identify appropriate conditions to be included in the permit:

Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to February through June.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

Bypass Flows: Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

Construction Activities: For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

In-Water or Riparian Construction: For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.

In-Water Work: Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 1-Sept 15 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.

Live Flow: Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.

Off-Channel Stored Water Releases: The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

On-Channel Reservoir: The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

Water Quality: All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

wetland: The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

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	

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	Storage
32S	4W	7	NW SW	2800	FF	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Storage
_____	_____	_____	_____	_____	_____	<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 Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) 1) Unnamed Trib to Cow Creek and 2) Cow Creek

Estimated quantity of water needed: 40 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Pond will be used for recreation, aesthetics and as supplemental supply for irrigation on property

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

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Farm Forest 3.5.050
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

No concerns ; R52018 & R52074 ; WS20-0874

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

Name: Mariah Mitchell Title: Planner I
 Signature: Mariah Mitchell Phone: (541) 440-4289 Date: 10-5-20
 Government Entity: Douglas County Planning Department

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: _____

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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 Southeast ^{EAST} 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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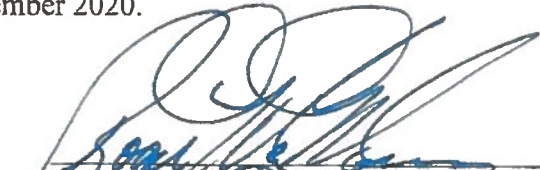
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15. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to conflict of laws provisions. If legal action, arbitration or other proceeding is brought to enforce or to resolve 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 MOMUNN, Member of
MOMUNN 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.



Michael C. Long
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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Water Availability Analysis

COW CR > S UMPQUA R - AB WINDY CR
UMPQUA BASIN

Water Availability as of 9/23/2020

Exceedance Level:

Time: 12:40 PM

Watershed ID #: 70573 ([Map](#))

Date: 9/23/2020

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	368	UMPQUA R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	73350	UMPQUA R> PACIFIC OCEAN- AB LITTLE MILL CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Select	3	31630301	UMPQUA R> PACIFIC OCEAN- AB WOLF CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Select	4	351	S UMPQUA R> UMPQUA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	5	31630218	S UMPQUA R> UMPQUA R- AB MARSTERS CR AT GAGE 1431200	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	6	300	COW CR> S UMPQUA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	7	301	COW CR> S UMPQUA R- AB MIDDLE CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	8	70573	COW CR> S UMPQUA R- AB WINDY CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Tuesday, August 11, 2020

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	40	\$1,400.00
Subtotal:		\$1,810.00
Permit Recording Fee. ***		\$520.00
<small>*** 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.</small>		<input type="button" value="Recalculate"/>
Estimated cost of Permit Application		\$2,330.00

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