

Application for an Emergency Use Permit for Surface Water (Drought)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME <u>Mark Bennett</u>		PHONE (HM) <u>415-497-4774</u>	
PHONE (WK)	CELL <u>415-497-4774</u>	FAX	
ADDRESS <u>8382 Lookmglass Road</u>			
CITY <u>Roseburg</u>	STATE <u>OR</u>	ZIP <u>97471</u>	E-MAIL <u>cbrbtaho@pacbell.net</u>

Organization Information

NAME		PHONE		FAX	
ADDRESS				CELL	
CITY	STATE	ZIP	E-MAIL		

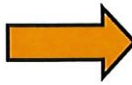
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME		PHONE		FAX	
ADDRESS				CELL	
CITY	STATE	ZIP	E-MAIL		

Note: Attach multiple copies as needed

By 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 use water legally until the Water Resources Department issues a permit.
- 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 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>Mark Bennett</u> Applicant Signature	<u>Mark Bennett</u> Print Name and title if applicable	<u>08/12/21</u> Date
<u>Kelly Bennett</u> Applicant Signature	<u>Kelly Bennett</u> Print Name and title if applicable	<u>08/12/21</u> Date

For Department Use		
App. No. _____	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

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

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (attach additional sheets if necessary).

Ronald and Norma Meyer
8485 Lookingglass Road
Roseburg, OR 97471

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:

Source 1: Ben Irving Reservoir Tributary to: Berry Creek

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

B. Applications to Use Stored Water

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

Yes

No

If no, please 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: WATER USE

SOURCE	USE	PERIOD OF USE	AMOUNT
Ben Irving Reservoir	irrigation	mid August - Oct. 1	125 <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

Rights affected by drought:
 County in which use will occur: Douglas
 Please indicate the total number of acres to be irrigated (must match map): 117 acres
 List the Permit or Certificate number(s) of the water right(s) affected by drought: S-54893
46786
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 350 ac/ft

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 75 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.

Existing 8" main line, existing pump site

B. 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 adverse impact to public uses of affected surface waters,

requested to mitigate drought conditions. Pump is metered on outflow mainline. No waste or public use impact.

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SECTION 6: DROUGHT INFORMATION

Explain how drought conditions have created an inability to obtain water under your existing right(s), and any other remarks to clarify any other information (attach additional sheets if necessary).

Irrigation began early in season due to drought conditions. New Variable Speed Drive unit driving pump may have contributed to increased water use

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Date _____

(For staff use only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- Fees _____

MAP

- 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
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for supplemental irrigation or nursery
- Location of main canals, ditches, pipelines or flumes
- Other _____

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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.

- SECTION 1: applicant information and signature
 - SECTION 2: property ownership
 - SECTION 3: source of water requested
 - SECTION 4: water use
 - SECTION 5: water management
 - SECTION 6: drought information
-

Attachments:

- Fees - Amount enclosed: \$ 300.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
 - ✓ \$200 Examination fee
 - ✓ \$400 Recording fee for the first Cubic Foot per Second (CFS) or fraction thereof, and \$100 for each additional CFS or fraction thereof ✓ x2
- * one CFS equals 448.831 gallons per minute*
-

Provide a map and check that each of the following items is included:

- 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
 - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for supplemental irrigation or nursery
 - Location of main canals, ditches, pipelines or flumes
 - Other: _____
-



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

AGREEMENT made this 12th day of March, 2014 between
LOOKINGGLASS OLALLA WATER CONTROL DISTRICT
and Mark & Kelly Bennett

WATER RIGHTS NOTES

Permit # 46786

DISTRICT AND CONSUMER AGREE:

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

USE OF WATER	ACRES	STORAGE ALLOCATED	TWP	RGN	SEC	TL OR ¼ SECTION
IRRIGATION	69		27	7	1	Tax lot #600
DOMESTIC						
MUNICIPAL						
SUB-DISTRICT						
INDUSTRIAL						
MULTIPURPOSE						

TYPE AND TERM OF AGREEMENT / FEES:

AGREEMENT TYPE	BEGINNING DATE	RENEWAL DATE	Administration Fee (ANNUAL)	USE FEE
METERED	3-12-14	12-31-2023	\$125.00	AS PER ATTACHED EXHIBIT "A"

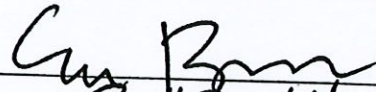
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use of water from the District, and the implementation of the terms of this contract.

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

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

IN WITNESS WHEREOF, the parties have affixed their signatures below.
LOOKINGGLASS-OLALLA WATER CONTROL DISTRICT

BY: 
Date 3-12-14
Representing District

BY: 
Date 03/12/2014
(Landowner)

PHONE: 415-497-4774

FAX

Billing Address:

Physical Address: Same as billing

8382 Lookingglass Rd. Roseburg OR 97471

e-mail address: mabennett1@comcast.net

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STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARK AND KELLY BENNETT
8382 LOOKINGGLASS RD
ROSEBURG OR 97471

confirms the right to the use of water perfected under the terms of Permit S-54893. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88000

SOURCE OF WATER: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMIT R-8444, TRIBUTARY TO BERRY CREEK

PURPOSE OR USE: IRRIGATION OF 48.0 ACRES

MAXIMUM RATE: 120.0 ACRE-FEET

DATE OF PRIORITY: JULY 16, 2014

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	7 W	WM	1	NW SW	2720 FEET SOUTH AND 180 FEET EAST FROM NW CORNER, SECTION 1
29 S	7 W	WM	20	SE NW	944 FEET NORTH AND 266 FEET WEST FROM C1/4 CORNER, SECTION 20

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
28 S	7 W	WM	1	NE NE			1.0
28 S	7 W	WM	1	NW NE			3.8
28 S	7 W	WM	1	SW NE	3		14.0
28 S	7 W	WM	1	SW NE		41	18.0
28 S	7 W	WM	1	SE NE	4		3.5
28 S	7 W	WM	1	SE NE		41	4.5
28 S	7 W	WM	1	SE NW	2		1.0
28 S	7 W	WM	1	SE NW		41	2.2

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter at each point of diversion in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The water user shall maintain and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion.

The use of water under this right is subject to the terms and conditions of Contract #BENNETT (Permit #46786), or a satisfactory replacement, between the Lookingglass Olalla Water Control District and the water user, a copy of which is on file in the records of the Water Resources Department.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Issued SEP 02 2016



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

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