

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

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JUL 06 2021

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME DALLAS HEARD		PHONE (HM) 541-315-6518	
PHONE (WK) SAME	CELL SAME	FAX 541-459-7538	
ADDRESS 13595 OLD HIGHWAY 99 SOUTH			
CITY MYRTLE CREEK	STATE OR	ZIP 97457	E-MAIL * EMERALDLAWNS85@HOTMAIL.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		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

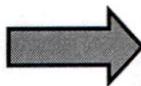
Note: Attach multiple copies as needed

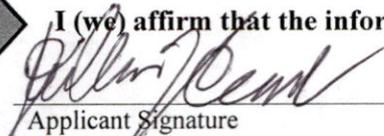
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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



	<u>Dallas Heard/owner</u>	<u>6-28-21</u>
Applicant Signature	Print Name and Title if applicable	Date
_____ Applicant Signature	_____ Print Name and Title if applicable	_____ Date

SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (*Attach additional sheets if necessary*).

Daniel and Cheryl Leeder, P.O. Box 395, Myrtle Creek OR, 97457

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: Galesville Reservoir	Tributary to: Cow Cr., Trib. To S. Umpqua R.
TRSQQ of POD: 29S 6W Sec. 2, NE-NE	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

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

- Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

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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	March 1 – Oct. 31	10 <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: 5.0 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: 10

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- 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): solar powered submersible pump of unknown HP
- Other means (describe): _____

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

Submersible pump to 1.5 inch PVC pipe. A storage tank and booster will likely be necessary.
Operation of pump will likely be controlled by a float switch.

B. Application Method

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

Drippers and small sprinklers

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Use of water will likely be controlled by a timer as per crop demand. Actual use may be less than requested
A water meter will be installed

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: screen to be approved by ODF&W

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: no clearing is proposed

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: No additional permits necessary

No equipment will be in the stream.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe planned actions: There will be no runoff as system will operate only as needed

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

None needed

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SECTION 8: PROJECT SCHEDULE

a) Date construction will begin: Partial existing pipeline constructed

b) Date construction will be completed: Summer or fall of 2021

c) Date beneficial water use will begin: during irrigation season as soon as permit issued

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

Existing partial pipeline will be used. Use of water will be as efficient as possible

Land Use Information Form



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

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



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

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Applicant: Dallas Heard
First Last

Mailing Address: 13595 Old Highway 99 South

Myrtle Creek OR 97457 Daytime Phone: 541-315-7538
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
29S	6W	2A	SW-NE	1001	FF	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
29S	6W	2D	NW-SE	900	FF	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
29S	6W	2A	NE-NE	700	F3	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	pipeline
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Douglas County

B. Description of Proposed Use

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

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or 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) Galesville Reservoir

Estimated quantity of water needed: 10
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

We plan on irrigating around our house for landscaping and garden

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

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project 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): LUDO 3.5-050.1 & LUDO 3.4-060.1
- 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.

R64232, R126487, R64911, R64990, R64904
FF - Farm Forest
FC3 - Farm Cropland

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

Name: Sean Vermilya Title: Planning Technician
 Signature: Sean Vermilya Phone: 541-440-4289 Date: 6/17/21
 Government Entity: Douglas County Planning

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



Douglas County

Planning and Sanitation Pre-Application Worksheet

Amended 6/17/21
SPV

OTHER ACTION

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Worksheet Number <h2 style="margin: 0;">WS21-0626</h2>	Applicant HEARD, DALLAS L & HANNAH B 578 ROGERS RD ROSEBURG, OR 97471 (541) 459-7538	Owner HEARD, DALLAS L & HANNAH B 578 ROGERS RD ROSEBURG, OR 97471
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SITE INFORMATION

Site Address 13595 OLD HIGHWAY 99 SOUTH MYRTLE CRE	MTL 29-06W-02A-01001	Property ID Number (Primary) R64890	Size (Acres) 51.38
Improvement LUCS FOR OWRD	Proposed Use Land Use Compatibility Statement		
Existing Structures (Number and Type) SFD	Distance of Building Site from River, Creek, or Stream Bank >50 FEET		
Directions N/A			

As, for, or on behalf of, all property owners:

APPLICANT SIGNATURE: - see attached - DATE: _____

PLANNING DEPARTMENT INFORMATION

Zoning FF	Overlays
---------------------	----------

SETBACKS (Farm-Forest)

Front Property Line of Right of Way 30 Feet	Rear Line 10 Feet	Side Line 10 Feet	Exterior Side Line N/A
Sign Code NO SIGN PROPOSED - N/A	Special Setback N/A	Riparian Setback 50 FEET	
Parking Spaces Required N/A	Building Height None	Flood Plain No	Floor Height Above Ground N/A

Conditions of Approval

LUCS FOR OWRD; LIMITED WATER USE LICENSE TO PUMP SURFACE WATER FROM SOUTH UMPQUA RIVER TO IRRIGATE SUBJECT PROPERTY; NO STRUCTURAL DEVELOPMENT AUTHORIZED; MUST MEET ALL REQUIREMENTS AND ACQUIRE ALL PERMITS FROM ALL APPLICABLE AGENCIES.

Sanitation N/A	Sanitary District	Water N/A	Access Permit Required? NOT REQ'D
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Report Codes
NONSTRUCTURAL N/A N/A STATE ACCESS

Refer To
NONE

Approved By: RAL	Date: 6/10/2021	Receipt #: P39312	Amount: \$ 165.00	Expiration Date: 6/9/2022
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SANITATION INFORMATION

SE#	STP#	Existing System	System: Approved ___ Denied ___
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Remarks

By:	Date:	CSC Date:
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Douglas County

Planning and Sanitation Pre-Application Worksheet

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OTHER ACTION

W081 - UPLD

Worksheet Number WS21-0626	Applicant HEARD, DALLAS L & HANNAH B 578 ROGERS RD ROSEBURG, OR 97471 (541) 459-7538	Owner HEARD, DALLAS L & HANNAH B 578 ROGERS RD ROSEBURG, OR 97471
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SITE INFORMATION

Site Address 13595 OLD HIGHWAY 99 SOUTH MYRTLE CRE	MTL 29-06W-02A-01001	Property ID Number (Primary) R64890	Size (Acres) 5.00
Improvement LUCS FOR OWRD	Proposed Use Land Use Compatibility Statement		
Existing Structures (Number and Type) SFD	Distance of Building Site from River, Creek, or Stream Bank >50 FEET		
Directions N/A			

As, for, or on behalf of, all property owners:
APPLICANT SIGNATURE: *[Signature]* **DATE:** 6/10/2021

PLANNING DEPARTMENT INFORMATION

Zoning FF	Overlays
---------------------	----------

SETBACKS (Farm-Forest)

Front Property Line of Right of Way 30 Feet	Rear Line 10 Feet	Side Line 10 Feet	Exterior Side Line N/A
Sign Code NO SIGN PROPOSED - N/A	Special Setback N/A	Riparian Setback 50 FEET	
Parking Spaces Required N/A	Building Height None	Flood Plain No	Floor Height Above Ground N/A

Conditions of Approval
LUCS FOR OWRD; LIMITED WATER USE LICENSE TO PUMP SURFACE WATER FROM SOUTH UMPQUA RIVER TO IRRIGATE SUBJECT PROPERTY; NO STRUCTURAL DEVELOPMENT AUTHORIZED; MUST MEET ALL REQUIREMENTS AND ACQUIRE ALL PERMITS FROM ALL APPLICABLE AGENCIES.

Sanitation N/A	Sanitary District	Water N/A	Access Permit Required? NOT REQ'D
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Report Codes
NONSTRUCTURAL N/A N/A STATE ACCESS

Refer To
NONE

Approved By: RAL	Date: 6/10/2021	Receipt #: P39312	Amount: \$ 165.00	Expiration Date: 6/9/2022
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SANITATION INFORMATION

SE#	STP#	Existing System	System: Approved ___ Denied ___
Remarks			
By:	Date:	CSC Date:	

CHRYL HALL



DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT

RIGHT OF WAY ACTIVITY PERMIT

PERMITEE INFORMATION Dallas Heard 13595 Old Hwy 99 South Myrtle Creek, Or 97457 541-315-6518 emeraldawns85@hotmail.com	PERMIT #	21535
	PERMIT TYPE	Utility
	PLANNING DEPT FILE #	
	EFFECTIVE DATE	6/11/2021
	EXPIRATION DATE	12/11/2021

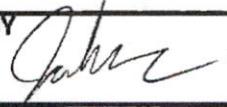
PROJECT DESCRIPTION
Run 2" pvc waterline through existing cross culvert for seasonal use.

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PROJECT LOCATION
13595 Old Hwy 99 South
Co. Rd. 387 , M.P. 5.759
District-Myrtle Creek-South

TERMS AND GENERAL CONDITIONS

- A. Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center. (Note: the telephone number for the Oregon Utility Notification Center is (503) 232 - 1987). Call before you dig 1-800-332-2344 at least 48 business hours prior to beginning excavation.
- B. A copy of this permit shall be kept on the work site at all times during project.
- C. At least 48 hours prior to starting work, Permittee shall contact Douglas County Public Works Department at (541) 440-4481 between the hours of 7:00am and 5:00pm M-F, excluding holidays.
- D. All work shall be inspected and approved by an authorized representative of the Public Works Department
- E. Permittee warrants that all work will be free from defects for a period of two years from the date of completion. Permittee, at Permittee's expense, shall correct any defects that become apparent within the warranty period. If Permittee fails to correct defects, the County may do so and charge the cost to the Permittee.
- F. This permit does not waive or abridge Douglas County's governmental powers over public roads within its jurisdiction. Douglas County reserves the right, at its discretion, to order the removal, reconstruction, relocation, or repair of any approach roads, structures, fixtures, or other facilities placed or constructed within the road right of way pursuant to this permit at the expense of the owners.
- G. Permittee shall defend, indemnify, and hold harmless the County, its officers, agents, and employees from any claims, actions, damages, and other expenses resulting from injury to any person or damage to property, of whatsoever nature, arising out of or incident to the activities covered by this permit or the condition of any approach roads, structures, fixtures, or other facilities placed or constructed within the road right of way pursuant to this permit. Permittee shall not be held responsible for any claims, actions, damages, or other expenses directly, solely, and proximately caused by the negligence of the County.
- H. This permit shall be governed by and construed in accordance with laws of the State of Oregon. Permittee and any contractor retained by Permittee shall promptly observe and comply with all present and future statutes, orders, regulations, rules, ordinances, and requirements of federal, state, and local governments with respect to this permit including, but not limited to, provisions of any ordinance adopted by the County pursuant to ORS 368.011 and 374.309.
- I. The County may cancel this permit without cause by written notice to Permittee any time before commencement of the work authorized by this permit. The County also may cancel this permit at any time and pursue any legal remedy available to the County if the conditions of this permit are violated.
- J. The conditions of this permit shall bind and apply to Permittee's successors, assigns, and any other persons who now or in the future hold an interest in the approach roads, structures, fixtures, or other facilities placed or constructed within the road right of way pursuant to this permit.
- K. Permittee must comply with any attached supplemental conditions, the County Specifications for Right of Way Activities, the Oregon Temporary Traffic Control Handbook, and the MUTCD.

AUTHORIZED BY 	TITLE DIVISION ENGINEER <i>Mon</i>	DATE 6-11-21
---	---	------------------------



DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT

RIGHT OF WAY ACTIVITY PERMIT

PERMITEE INFORMATION Dallas Heard 13595 Old Hwy 99 South Myrtle Creek, Or 97457 541-315-6518 emeraldawns85@hotmail.com	PERMIT #	21535
	PERMIT TYPE	Utility
	PLANNING DEPT FILE #	0
	EFFECTIVE DATE	6/11/2021
	EXPIRATION DATE	12/11/2021

SUPPLEMENTAL CONDITIONS

This is seasonal use only. The waterline and electric line are only to be in place from May to September. They are to be removed from the culvert during the winter months. Work area is to be repaired to as is or better condition. Proper traffic control is to be used.

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AmeriTitle 153055AM

Douglas County Official Records
Patricia K. Hitt, County Clerk

2017-005765

03/31/2017 01:40:00 PM

DEED-BS Cnt=1 Str=0 HAJOHNST
\$20.00 \$11.00 \$10.00 \$20.00

\$61.00

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DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

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

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

Document Name: Bargain and Sale Deed

Parties:

Grantor: Dallas L. Heard

Grantee: Dallas L. Heard and Hannah B. Heard, as Tenants by the Entirety



THIS SPACE RESERVED FOR RECORDER'S USE

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Dallas L. Heard
2611 NW Brockway Road
Winston, OR 97496

Grantor's Name and Address

Dallas L. Heard and Hannah B. Heard
2611 NW Brockway Road
Winston, OR 97496

Grantee's Name and Address

After recording return to:
Dallas L. Heard and Hannah B. Heard
2611 NW Brockway Road
Winston, OR 97496

Until a change is requested all tax statements shall be sent to the following address:
Dallas L. Heard and Hannah B. Heard
2611 NW Brockway Road
Winston, OR 97496

File No. 153055AM

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That

Dallas L. Heard,

hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

Dallas L. Heard and Hannah B. Heard, as Tenants by the Entirety,

hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of Douglas, State of Oregon, described as follows, to wit:

See Attached Exhibit 'A'

The true and actual consideration paid for this transfer, stated in terms of dollars, is ESTATE PLANNING.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

In Witness Whereof, the grantor has executed this instrument this 31 day of March, 2017; if a corporate grantor, it has caused its name to be signed and its seal if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Dallas L. Heard
Dallas L. Heard

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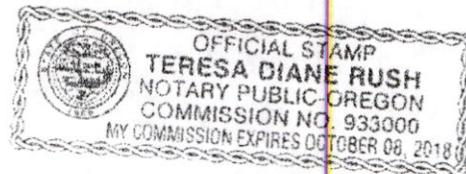
OWRD

State of Oregon } ss
County of Douglas }

On this 31 day of March, 2017, before me, Teresa Diane Rush a Notary Public in and for said state, personally appeared Dallas L. Heard, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Teresa Diane Rush
Notary Public for the State of Oregon
Residing at: Douglas County, Oregon
Commission Expires: 10/08/2018



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EXHIBIT 'A'

File No. 153055AM

PARCEL 1

Beginning at a 1 ½ inch iron pipe on the North-South centerline of Section 2, Township 29 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, said point bears South 1° 53' 30" West 1073.66 feet from the North quarter corner of Section 2, Township 29 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence North 85° 47' 37" East 1225.19 feet to a 5/8 inch iron rod; thence continuing North 85° 47' 37" East 0.87 feet to the Westerly line of Old Pacific Highway No. 99; thence South 11° 54' 31" East 4.66 feet along said right of way to a point on the Westerly right of way more fully described in Recorder's No. 69-9189, Records of Douglas County, Oregon; thence South 5° 43' 35" East 309.63 feet along said Westerly line; thence leaving said line South 73° 16' 14" West 184.49 feet to a 5/8 inch iron rod; thence South 11° 54' 26" East 81.26 feet to a 5/8 inch iron rod; thence South 72° 21' 34" West 175.84 feet to a 5/8 inch iron rod; thence South 9° 36' 57" East 150.23 feet to a 5/8 inch iron rod; thence South 76° 58' 34" West 491.90 feet; thence South 3° 46' 28" West 2122.53 feet to the South line of Government Lot 3; thence North 88° 08' 35" West 423.33 feet to the Southwest corner of Government Lot 3; thence North 1° 51' 25" East 2773.26 feet along the centerline of said Section 2 to the point of beginning. All being a part of Section 2, Township 29 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM the following: Beginning at the Northeast corner of that property described in Recorder's No. 2003-28510, Records of Douglas County, Oregon; thence Northerly along Highway 99, 10 feet to a point; thence due West 190 feet; thence South 11° 54' 26" East 90 feet more or less to a point on the Northerly line of said property; thence North 73° 16' 14" East 184.19 feet to the point of beginning.

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

29-06W-02A-01001
29-06W-02D-00900

PARCEL 2

The following described property situated in Section 2, Township 29 South, Range 6 West, Willamette Meridian, Douglas County, Oregon: Beginning at the Northeast corner of that property described in Recorder's No. 2003-28510, Records of Douglas County, Oregon; thence Northerly along Highway 99, 10 feet to a point; thence due West 190 feet; thence South 11° 54' 26" East 90 feet more or less to a point on the Northerly line of said property; thence North 73° 16' 14" East 184.19 feet to the point of beginning.

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

29-06W-02A-01000

Douglas County Official Records
Patricia K. Hitt, County Clerk

2018-016797

10/17/2018 01:26:00 PM

DEED-WD Cnt=1 Str=41 DDWILKIN
\$25.00 \$11.00 \$10.00 \$60.00

\$106.00

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DOUGLAS COUNTY CLERK



CERTIFICATE PAGE

DO NOT REMOVE THIS PAGE FROM
ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

After Recording Return to:

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

Western Title & Escrow Company W70102557 WD

RECORDING REQUESTED BY:



2365 NW Kline Street, Suite 101
Roseburg, OR 97471

GRANTOR'S NAME:
Mary Jane Spangler

GRANTEE'S NAME:
Daniel E. Leeder and Cheryl L. Leeder

AFTER RECORDING RETURN TO:
Order No.: WT0162557-LKC
Daniel E. Leeder and Cheryl L. Leeder, as tenants by the entirety
PO BOX 395
Myrtle Creek, OR 97457

SEND TAX STATEMENTS TO:
Daniel E. Leeder and Cheryl L. Leeder
PO BOX 395
Myrtle Creek, OR 97457

APN: R64232
M93575
Map: 29-06W-02A-00700

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Mary Jane Spangler, Grantor, conveys and warrants to **Daniel E. Leeder and Cheryl L. Leeder**, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Douglas, State of Oregon:

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED FIVE THOUSAND AND NO/100 DOLLARS (**\$205,000.00**). (See ORS 93.030).

Subject to:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED

(continued)

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

Dated: 10.16.2018

Mary Jane Spangler
Mary Jane Spangler

State of OREGON
County of Douglas

This instrument was acknowledged before me on Oct. 14, 2018 by Mary Jane Spangler.

Lonni Kay Conopa
Notary Public - State of Oregon

My Commission Expires: 10/28/2019



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EXHIBIT "A"
Legal Description

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All of the following property lying North of County Road No. 14:

BEGINNING at a point on the Easterly right of way line of Pacific Highway U.S. 99, said point of beginning bears North 71° 50' East 1033.0 feet and South 11° 49' East 690.9 feet from the quarter corner common to Section 2 of Township 29 South, Range 6 West and Section 35 of Township 28 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence continuing along said Highway, South 11° 49' East 1214.4 feet and South 0° 46' West 240.9 feet and South 4° 57' East 156.6 feet and South 6° 30' East 498.0 feet and South 1° 09' West 135.3 feet to a 1 inch iron pipe; thence leaving said Highway and running South 87° 51' East 166.0 feet to an iron bar; thence continuing South 87° 51' East 12.0 feet to the West line of the J.A. Clark Donation Land Claim No. 40; thence Northerly 1250 feet along the West line of said Donation Land Claim to the South line of the Northeast quarter of the Northeast quarter of said Section 2; thence leaving said Donation Land Claim West line and running East along the said South line of the Northeast quarter of the Northeast quarter of Section 2 2150 feet to the center of the South Umpqua River; thence downstream, North 13° West 1025 feet to a point which bears North 83° 16' East 486.8 feet from an iron pipe on the Easterly right of way line of said Highway; thence leaving said river and running South 83° 16' West 175 feet to a 2 inch iron pipe; thence continuing South 83° 16' West 311.8 feet to the point of beginning and all situated in the said Northeast quarter of Section 2.

Except the following property:

BEGINNING at the Northwest corner of the J.A. Clark Donation Land Claim No. 40 in said Township and Range; and running thence East 123.0 feet along the North line of said Donation Land Claim to the center of the South Umpqua River; thence running upstream along the center of said river, South 4° 46' East 176.3 feet to the Northwest corner of the property conveyed from A. Weeks to Gordon Burnette; thence continuing upstream along the center of said river, South 11° 07' East 423.6 feet; South 2° 17' West 730.0 feet and South 25° 37' West 125.0 feet; thence leaving center of said river and running South 89° 08' West 167.8 feet to a 3/4 inch iron pipe on the West line of said Clark Donation Claim, which is South 1° 17' West 25.0 feet from the Southeast corner of the C.W. Perry property, which is the Northeast corner of the Wm. C. Keady property, thence running North 1° 17' East 1437.6 feet along the West line of said Clark Donation Land Claim to the place of beginning. All being in Section 2, Township 29 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

EXHIBIT "B"
Exceptions

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Subject to:

1. Rights of the public to any portion of the Land lying within roads and highways.
2. Any adverse claim based upon the assertion that:
 - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of South Umpqua River, in the event the boundary of said South Umpqua River has been artificially raised or is now or at any time has been below the high watermark, if said South Umpqua River is in its natural state.
 - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
 - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of South Umpqua River, or has been formed by accretion to any such portion.
3. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the South Umpqua River.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of South Umpqua River.
4. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement,

Recording Date: November 6, 1969
Recording No.: 69-12177

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River water access and compensation for access contract:

Address of water access property: 13510 Old Highway 99 S, Myrtle Creek, OR, 97457

Address of recipient property of water access: 13595 Old Highway 99 S, Myrtle Creek, OR, 97457

Water source: South Umpqua River

Compensation to 13510 Old Hwy 99 S property for access to river water access and pump for 13595 Old Hwy 99 S:

13595 Old Highway 99 S will supply and spread all listed materials on the existing driveway of 13510 Old Highway 99 S.

30 cubic yards of 1-inch minus gravel for the existing driveway.

10 cubic yards of base rock and 10 cubic yards of 1- inch minus for the new RV parking lane.

The exit of the driveway will be re-established so there is a more straight through access on the end of the driveway that is next to the residence. If more material is needed to supply this change the property owner from 13595 Old Highway 99 S will supply and install it as needed up to an additional 20 cubic yards of gravel.

Driveway upgrade project will be started and completed between 06/24/21 and 07/14/21.

Terms of access to water access property:

Owner of 13510 Old Highway 99 S property will allow access to property strictly for the purpose of 13595 Old Highway 99 S owner installing pump in spring season going forward, removal of pump in fall season going forward, and for any needed maintenance/repairs if needed during irrigation season going forward.

Irrigation pipe and water pump underground power line will be installed at least 4 feet below soil grade in the field of the water resource property.

Soil of trenched areas will have the soil re-installed to the trenched area, plus have seed spread over the disturbed area.

I the signer have read and agree to the above terms of this agreement:

13510 Old Highway 99 S: Signature Cheryl Leeder Dan E Leeder 06/16/2021

13595 Old Highway 99 S: Signature _____ 06/16/2021

Jordan Engineering

Structural-Civil-Geotech

460 Jordan Lane
Roseburg, OR 97471
541-673-1931

Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Surface Water Application:

June 30, 2021

Sir:

Inclosed are the application to use surface water, a paper map stamped and signed, an amended land use information form, right of way activity permit #21535, tax lot 1001 and 900 sale deed #2017-005765, tax lot 700 sale deed #2018-016797, tax lot 700 access easement and a check in the sum of \$1,390.00 made out to the Department.

If there are any questions please officially contact the applicant with a copy to me.

Respectfully,



Clay Jordan, P.E., S.E., Geotech, CWRE

cc: Mr. Dallas Heard

file: Dallas Heard Surface Water Application WRD-CL.wpd

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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

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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: \$1,390.00 _____
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 taxlot 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)

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

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

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

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

6. Final Order Issued

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

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