

Application for a Permit to Use
Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Mark Bennett + Kelly Bennett		PHONE (HM) 415-497-4774
PHONE (WK)	CELL 415-497-4774	FAX
ADDRESS 8382 Lookingglass Rd.		
CITY Roseburg	STATE OR	ZIP 97731
E-MAIL * cbribtaho@pacbell.net		

Organization

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

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

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

Note: Attach multiple copies as needed

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

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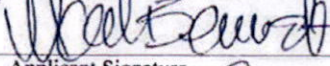
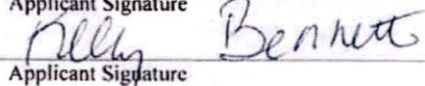
JAN 10 2022

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By my signature below I confirm that I understand:

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

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


Applicant Signature

Applicant Signature

Mark Bennett
Print Name and Title if applicable
Kelly Bennett
Print Name and Title if applicable

01/05/2022
Date
01/05/2022
Date

For Department Use: App. Number: _____

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Applicant

NAME <i>Mark Bennett</i>		PHONE (HM) <i>415-497-4774</i>	
PHONE (WK)	CELL <i>415-497-4774</i>	FAX	
ADDRESS <i>8382 Lookingglass Rd.</i>			
CITY <i>Roseburg</i>	STATE <i>OR</i>	ZIP <i>97471</i>	E-MAIL * <i>clrbtaho@pacbell.net</i>

Organization

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[Signature]
 Applicant Signature
[Signature]
 Applicant Signature

Mark Bennett
 Print Name and Title if applicable
Kelly Bennett
 Print Name and Title if applicable

01/05/2022
 Date
01/05/2022
 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.

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).*

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: <u>Ben Irving Reservoir</u>	Tributary to: <u>Berry Creek</u>
TRSQQ of POD: RECEIVED	
Source 2:	Tributary to:
TRSQQ of POD: JAN 10 2022	

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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.

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- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Ben Irving Res	irrigation	3/1 5 - 10/31	37.5 <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: 15 Acres Supplemental: 0 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: 37.5 ac ft

- If the use is **municipal or quasi-municipal**, attach **Form M** n/a
- If the use is **domestic**, indicate the number of households: n/a
- If the use is **mining**, describe what is being mined and the method(s) of extraction: n/a

SECTION 6: 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. Application Method

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

Wheel line, K-line

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.

irrigation hay/pasture, prevent runoff, visual monitor, existing flow meter on 8" main line

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SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: Approved fish screen in use

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 excavation expected. existing POD

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 excavation or machinery expected to be used.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: no erosion or run-off expected.

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

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SECTION 8: PROJECT SCHEDULE

JAN 10 2022

- a) Date construction will begin: existing system
- b) Date construction will be completed: "
- c) Date beneficial water use will begin: immediately upon issuance of permit **QWRD**

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 <u>Lookingglass Owalla water control district</u>	Address <u>PO Box 1579</u>
City <u>Roseburg</u>	State <u>OR</u>
	Zip <u>97471</u>

SECTION 10: REMARKS

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

additional existing permits in place

Land Use Information Form



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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 groundwater 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.

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Land Use Information Form



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725 Summer Street NE, Suite A
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Applicant

NAME Mark Bennett		PHONE (HM)	
PHONE (WK) 415-497-4774	CELL 415-497-4774	FAX	
ADDRESS 6582 Cookingglass Rd.			
CITY Roseburg	STATE OR	ZIP 97471	E-MAIL* cbrbtaho@pacbell.net

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
T28S	R7W	1	nonw	600	AGG-EEUG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
			senw			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
			nwnw			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
			swnw			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	

28S7W 1 nesw 700 Diverted
List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: 37.5 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:

pasture irrigation - Berry Creek Ben Irving

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

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JAN 10 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 108, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

NAME <u>Lisa Hawley</u>	TITLE: <u>Senior Planner</u>
SIGNATURE <u>Lisa A. Hawley</u>	PHONE: <u>541-440-4289</u>
GOVERNMENT ENTITY <u>Douglas County</u>	DATE: <u>11/5/2022</u>

WS 22-0010

zone: FG, Property 12 Nos: R44870
& FF R44877 & R35889

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: _____



\$101.00

00488039201900077640040046

05/17/2019 11:05:38 AM

DEED-BS Cnt=1 Stn=40 JLGODWI
\$20.00 \$11.00 \$60.00 \$10.00

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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

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STATUTORY BARGAIN AND SALE DEED

Mark A. Bennett and Kelly L. Bennett, Grantors
8382 Lookingglass Road
Roseburg, OR 97471

The Bennett Family Trust, Grantee
8382 Lookingglass Road
Roseburg, OR 97471

Mark A. Bennett and Kelly L. Bennett, Grantors convey to The Bennett Family Trust, Grantee, the real property situated in Douglas County, more particularly described as follows, subject to all encumbrances of record:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND BY THE REFERENCE INCORPORATED HEREIN.

The true and actual consideration for this conveyance is stated in terms of dollars: \$0.00*.

**Until a change is requested, all tax statements should be sent to the following address:
Mark A. Bennett and Kelly L. Bennett, 8382 Lookingglass Road, Roseburg, OR 97471**

**After recording, return to:
Mark A. Bennett and Kelly L. Bennett, as Co-Trustees of The Bennett Family Trust, 8382 Lookingglass Road, Roseburg, OR 97471**

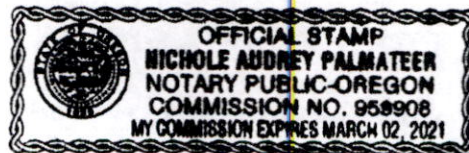
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, ORS 040.

IN WITNESS WHEREOF, Grantors have executed this instrument as of the 17th day of May, 2019.

Mark A. Bennett

Mark A. Bennett

STATE OF OREGON)
) ss.
County of Douglas)



On this 17th day of May, 2019, personally appeared **Mark A. Bennett**, as Grantor, and acknowledged the foregoing instrument to be his voluntary act and deed.

Nichole Palmateer
Notary Public for Oregon

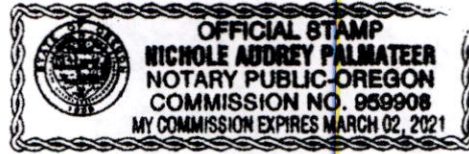
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IN WITNESS WHEREOF, Grantors have executed this instrument as of the 17th day of May, 2019.

Kelly L. Bennett
Kelly L. Bennett



STATE OF OREGON)
) ss.
County of Douglas)

On this 17th day of May, 2019, personally appeared Kelly L. Bennett, as Grantor, and acknowledged the foregoing instrument to be her voluntary act and deed.

Nichole Audrey Palmateer
Notary Public for Oregon

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EXHIBIT "A"

Beginning at a point in the prolongation North of the East line of The Joseph Huntley Donation Land Claim No. 40, in Section 1, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, 1167 feet South of the North line of said Section 1; thence South 17.62 chains; thence East 89.88 chains; thence North 30° 45' East 2.50 chains; thence North 26° 0' East 2.50 chains; thence North 19° 30' East 4.25 chains; thence North 6° 0' East 1.50 chains; thence North 20° 30' East 3 chains; thence North 16° 15' East 2 chains; thence North 17° 30' East 1 chain; thence North 7° 30' West 2.09 chains; thence West 95.46 chains to the place of beginning, and being the same real estate conveyed to The Union Central Life Insurance Company by deed dated October 11, 1935, and recorded in Volume 96, Page 635, Deed Records of Douglas County, Oregon.

28-7-1-PT 600
28-6-6-500 R35889

ALSO a parcel of land lying in Section 1, Township 28 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, and being described as follows:

Beginning at the most Southerly Southwest corner of that property described in Recorder's No. 87-860, Records of Douglas County, Oregon, from which point the South quarter corner of Section 36, Township 27 South, Range 7 West, Willamette Meridian, Douglas County, Oregon, bears North 25° 51' East 647.60 feet and North 67° 35' 56" East 1523.62 feet; thence South 89° 53' East along the Southerly line of said property 2240.07 feet; thence North 25° 51' East 647.60 feet; thence North 89° 53' West 2240.07 feet; thence South 25° 51' West 647.60 feet to the point of beginning.

BAL 600 R44870 R4487

ALSO EXCEPTING THEREFROM any part lying within a public road.

EXC R/W



METERED CONTRACT

ID # 358

Bennett

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JAN 10 2022

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

OWRD
WATER RIGHTS NOTES

Permit # 46786-
See map

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 ^{0.2}		28 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"

declarations on page 1 of this contract, only. As provided on page 1, the uses of the water are limited to irrigation, municipal (only if the Consumer is a municipality), industrial, and multipurpose.

3.2 The Consumer agrees **not** to use, or allow others to use, the water provided under this agreement for **domestic purposes**, unless the Consumer is a municipality. The Consumer acknowledges that the water provided under this agreement has not been treated or tested as suitable for drinking water. The Consumer shall indemnify the District from any damages or claim that may result from or arise in connection with any person using the water provided under this agreement for domestic purposes. "Domestic purposes" means use of water for human consumption or household purposes; "domestic purposes" does not include use of water for lawn, garden, yard, or small-scale livestock watering, which are residential irrigation uses.

3.3 The Consumer agrees to not waste water, and agrees to promptly remedy any situation leading to waste of water which may be brought to his or her attention by the District.

3.4 The Consumer shall provide the District with the county assessor's tax lot identification describing where water under this contract shall be used.

4. Contract Term and Extensions for Metered Service Consumers.

The contract for Consumers currently using meters (metered service) shall terminate December 31, 2013. Metered service Consumers shall have the right to extend the terms of this contract for additional periods of 10 years each under the following conditions:

- 4.1 A functioning meter approved by the State of Oregon and the District is in use.
- 4.2 The Consumer is paid current and not in default of any of the contract terms.
- 4.3 The extension shall occur automatically without further act or agreement of the parties at the end of the then-current term. Each extension shall take effect on January 1 after extension.
- 4.4 The provisions of this contract shall apply to any extension of the contract, except for changes in the price of service, which may be modified.

7. Allocation of Water in Drought Years.

In the event of a drought year (e.g., any year in which Ben Irving Reservoir does not fill through natural rainfall to the point where all District irrigation contract holders can be supplied with enough water to satisfy their contracts) the District shall use reasonable efforts to evenly allocate water to all Consumers by an across-the-board percentage cut in allocations. For example, if the reservoir level requires a 25% cut in allocations, the District shall use reasonable efforts to assure that all Consumers shall have their allocations cut 25%, i.e., each Consumer shall receive 75% of his or her contracted water. Meters shall be read on a regular basis and when the allocated amount of water has been delivered, the pump shall be tagged out by District personnel. Consumers with flat rate service shall be contacted by the District as early as reasonably possible in a drought year to determine which acreage Consumer shall not irrigate that year.

8. Water Rights.

The District shall be responsible for obtaining all water rights to store and deliver water for the Consumer's use allocated under this agreement. The Consumer shall be responsible for obtaining at Consumer's expense any necessary water rights, permits or certificates from the State of Oregon for use of the stored water provided under this contract. The Consumer shall also be responsible for any other permits necessary to use water provided under this agreement.

9. Right of Entry.

The District, its agents, employees, and contractors, shall have the right at all reasonable times to enter upon the premises of the Consumer to inspect the water intake and meter and beneficial use of the water. The Consumer agrees to maintain such areas to ensure safety of the meter reader, and to provide such access to the District and its personnel.

10. Miscellaneous.

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

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

10.3 The District reserves the right to promulgate reasonable rules and regulations from time to time applicable to all water users of the District governing the taking and

EFFECTIVE JANUARY 2014 through DECEMBER 2023

TYPE OF USER	ANNUAL ADMINISTRATION FEE	ANNUAL METER READING FEE	ANNUAL RATE OF USE FEE	COMMENTS
IRRIGATION (METERED)	\$125.00	\$160.00 PER METER	\$12.00 PER ACRE FOOT	METER REQUIRED
IRRIGATION SUB DISTRICT (UP TO 4 IRRIGATORS) EACH ADDED IRRIGATOR	\$250.00 \$75.00	\$160.00 PER METER	\$12.00 PER ACRE FOOT	MASTER METER REQUIRED
MUNICIPAL/QUASI MUNICIPAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
INDUSTRIAL	\$2,175.00	TO BE DETERMINED	\$64.00 PER ACRE FOOT FIRST 100AF \$70.00 PER ACRE FOOT OVER 100AF	METER REQUIRED
DOMESTIC	\$165.00	NO METER REQUIRED	\$128.00 PER DWELLING - NO MORE THAN 3 DWELLINGS PER CONTRACT	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM - CURRENTLY NO METER REQUIRED
MULTIPLE USE	TO BE DETERMINED	\$160.00 PER METER	\$64.00 PER ACRE FOOT	METER REQUIRED
SUB DISTRICT DOMESTIC, UP TO 3	\$165.00	\$160.00 PER METER	\$64.00 PER ACRE FOOT	\$64.00 PER ACRE FOOT WITH 2 ACRE FOOT MINIMUM - CURRENTLY NO METER REQUIRED
UNMETERED IRRIGATION (METER BROKEN OR NOT FUNCTIONING)			0.04 ACRE FEET PER ACRE PER DAY	METER THAT IS NOT WORKING PROPERLY MUST BE REPAIRED AS SOON AS POSSIBLE

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Property Details for Property ID: R44870

Owner Information :

Owner Name: BENNETT, MARK A &
Owner Address #1: KELLY L
Owner Address #2: 111 H LANE
Owner Address # 3:
Owner City/State/Zip: NOVATO, CA 94945

Alternate Account #: 10580.00
Account Status: A

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Property Information :

Township: 28
Range: 07W
Section: 01
Quarter:
Sixteenth:
Maintenance Area: 3
Year Built: 1952
Bedrooms: 3
Exemption Code:
MFD Home ID:

Situs Address: 8382 LOOKINGGLASS RD
ROSEBURG, OR 97471
Map ID: 28070100600
County Property Class: 502I
Legal Acreage: 87.46
Code Area: 11616
Neighborhood Code: FJ
Living Area: 1804; 9137
Baths: BATH2
Exemption Desc.:

Value Information : 2013-2014 Certified Values and Tax Information

Improvement Appr. Value: \$1,251,329.00
Land Appr. Value: \$150,751.00
Land Market Value: \$687,301.00
Total Real Market Value: \$1,938,630.00

Total Appr. Value: \$1,402,080.00
Exemption Value: \$0.00
Total Assessed Value: \$1,393,792.00
Taxes Imposed: \$11,619.81

Sales Information :

Deed No: 2014-3156
Sale Price: \$1,396,800.00

Sale Date: 2/20/2014

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

Property Details for Property ID: R44877

Owner Information :

Owner Name: BENNETT, MARK A &
Owner Address #1: KELLY L
Owner Address #2: 111 H LANE
Owner Address # 3:
Owner City/State/Zip: NOVATO, CA 94945

Alternate Account #: 10580.01
Account Status: A

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Property Information :

Township: 28
Range: 07W
Section: 01
Quarter:
Sixteenth:
Maintenance Area: 3
Year Built:
Bedrooms:
Exemption Code:
MFD Home ID:

Situs Address: 0 LOOKINGGLASS RD
ROSEBURG, OR 97471
Map ID: 28070100600
County Property Class: 502I
Legal Acreage: 72.31
Code Area: 11609
Neighborhood Code: FJ
Living Area:
Baths:
Exemption Desc.:

Value Information : 2013-2014 Certified Values and Tax Information

Improvement Appr. Value: \$0.00
Land Appr. Value: \$31,361.00
Land Market Value: \$305,983.00
Total Real Market Value: \$305,983.00
Total Appr. Value: \$31,361.00
Exemption Value: \$0.00
Total Assessed Value: \$25,476.00
Taxes Imposed: \$276.77

Sales Information :

Deed No: 2014-3156
Sale Price: \$1,396,800.00
Sale Date: 2/20/2014

DISCLAIMER

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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. *Planning Dept.*
- 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. *Reed*
- Fees - Amount enclosed: \$ 2065.20
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use) *N/A*

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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For Department Use: App. Number: _____

Oregon Water Resources Department Stored Water Only Applications - Expedited Secondary

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Wednesday, January 5, 2022

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	37.4	\$845.20
	Subtotal:	\$1,455.20
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,065.20

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