



**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).*

**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: South Umpqua River > Umpqua River |
| TRSQQ of POD: T.29S. R.5W. NWNE Sec. 19 |   |
| 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.)

R-9964 Galesville

For Department Use: App. Number: \_\_\_\_\_

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/](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.

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#### 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?

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 of 12 acres -<br>26.76 acre feet of water | March 1 - October 31 | 26.76 <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: 12.0 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: \_\_\_\_\_

- 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): 5.5 HP Gasoline - Bank Mounted
- Other means (describe): \_\_\_\_\_

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

Water will be pumped from river through irrigation pipe to K Pods

**B. Application Method**

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

Irrigation line to K Pods

**C. Conservation**

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

Water is needed for irrigation of 12.0 acres. A totalizing flow meter will be installed prior to diversion of water. Most efficient method of irrigation possible will be used to prevent waste, erosion and to control run-off.

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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: ODFW approved fish screen will be installed on pump intake prior to diversion of water
  
- 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: None Planned
  
- 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: None Planned
  
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Will use best irrigation management practices to prevent erosion and run-off.
  
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
Contract with Douglas County to purchase 26.76 acre feet of stored water from Galesville Reservoir.

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: Upon permit issuance
- b) Date construction will be completed: ASAP after issuance
- c) Date beneficial water use will begin: Within 30 days of permit issuance

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**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<br>N/A | 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).*

# For Local Government Use Only

## OWRD

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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land Use Approval:   |  |
|--|---|--|--|
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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 106, JUSTICE BUILDING  
DOUGLAS COUNTY COURTHOUSE  
ROSEBURG, OR 97470

FG R59395, R59402, R141766 + R141767  
WS22-0059 REPT22-0059

|   |                            |  |
|---|----------------------------|--|
| NAME: <u>Kelly N. White</u>                       |                            | TITLE: <u>Planning Technical Manager</u> |
| SIGNATURE: <u>Kelly White</u>                     | PHONE: <u>541-440-4289</u> | DATE: <u>1-24-2022</u>                   |
| GOVERNMENT ENTITY: <u>DOUGLAS COUNTY PLANNING</u> |                            |  |

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



### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Land Use Information Form



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

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**Applicant**

|  |                      |                            |                               |
|--|----------------------|----------------------------|-------------------------------|
| NAME<br>GARY JACKSON                                       |                      | PHONE (HM)<br>541-863-6398 |                               |
| PHONE (WK)   | CELL<br>541-863-1852 | FAX                        |                               |
| ADDRESS<br>3081 DOLE ROAD                                  |                      |                            |                               |
| <i>Mailing Address - PO Box 683 Myrtle Creek, Or 97457</i> |                      |                            |                               |
| CITY<br>MYRTLE CREEK                                       | STATE<br>OR          | ZIP<br>97457               | E-MAIL*<br>JNBAR001@GMAIL.COM |

**A. Land and Location**

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

| Township | Range | Section | ¼ ¼  | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use: |
|----------|-------|---------|------|-----------|---|--|--|--|--------------------|
| T29S     | 5W    | 18      | SWSE | 300       |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |                    |
| T29S     | 5W    | 19      | NWNE | 500       |   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |                    |
|          |       |         |      |           |   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |
|          |       |         |      |           |   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |

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

**B. Description of Proposed Use**

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

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

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

Estimated quantity of water needed: 26.76     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:

Irrigation of pasture.



**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.



Douglas County Official Records  
Patricia K. Hitt, County Clerk

2015-019397

12/31/2015 01:14:10 PM

DEED-WD Cnt=1 Stn=1 CAROL  
\$15.00 \$11.00 \$10.00 \$20.00

\$56.00

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TJR

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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: Statutory Warranty Deed

Parties:

Grantor: Jeanne Eddy an Helen K. Howard, Trustee for Helen K. Howard Trust

Grantee: Gary L. Jackson and Nadine T. Jackson



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Gary L. Jackson and Nadine T. Jackson  
3081 Dole Road  
Myrtle Creek, OR 97457

Until a change is requested all tax statements shall be sent to the following address:

Gary L. Jackson and Nadine T. Jackson  
3081 Dole Road  
Myrtle Creek, OR 97457  
File No. 50621AM

**STATUTORY WARRANTY DEED**

Jeanne Eddy and Helen K. Howard, Trustee for Helen K. Howard Trust, each as to an undivided 1/2 interest, Grantor(s), hereby convey and warrant to

Gary L. Jackson and Nadine T. Jackson, as Tenants by the Entirety, R59395 & R141767 29-05W-18-00500  
R59402 & R141766 29-05W-19-00300

Grantee(s), the following described real property in the County of Douglas and State of Oregon free of encumbrances except as specifically set forth herein:

SEC 18 500 SEC 19 300

That part of the H. Van Dine Donation Land Claim No. 39 situated in the South half of the Southeast quarter of Section 18, and the North half of the Northeast quarter of Section 19, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, lying East of the South Umpqua River; LESS that part lying within County Road and Southern Pacific Railroad right of way.

“FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED”

29-05W-18-00500  
29-05W-19-00300

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

29-05W-18-00500  
29-05W-18-00500  
29-05W-19-00300  
29-05W-19-00300

The true and actual consideration for this conveyance is \$265,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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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.

Dated this 30<sup>th</sup> day of December, 2015.

Jeanne Eddy  
Jeanne Eddy

Helen K. Howard Trust  
Helen K. Howard  
Helen K. Howard, Trustee

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State of Oregon } ss  
County of Douglas }

On this 30 day of December, 2015, before me a Notary Public in and for said state, personally appeared Jeanne Eddy, 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 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.

Brandi Lynn Schantz  
Notary Public for the State of Oregon  
Residing at: Myrtle Creek  
Commission Expires: 1-27-18



State of Oregon } ss  
County of Douglas }

On this 30 day of December, 2015, before me a Notary Public in and for said state, personally appeared Helen K. Howard known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Helen K. Howard Trust, and acknowledged to me that she executed the same as Trustee.

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

Brandi Lynn Schantz  
Notary Public for the State of Oregon  
Residing at: Myrtle Creek  
Commission Expires: 1-27-18



COPY

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

This contract is made on \_\_\_\_\_, 20\_\_ between Douglas County, a political subdivision of the State of Oregon, ("County"), and \_\_\_\_\_ Gary and Nadine Jackson \_\_\_\_\_, ("Customer").

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**COUNTY AND CUSTOMER AGREE:**

**1. TERM AND RENEWAL:**

1.1. The initial term of this contract shall begin on March 1, 2022 and end on December 31, 2031, unless it is sooner terminated as provided herein.

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

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

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

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

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

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

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

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

**2. AUTHORITY OF PUBLIC WORKS DIRECTOR:**

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

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

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

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

**3. WATER ALLOCATION:** Each year during the term of this contract, County shall allocate sufficient acre feet of storage capacity in the Galesville Reservoir for Customer to irrigate 12.00 acres. This allocation shall not exceed 26.76 acre feet per irrigation season as specified on the attached Exhibit A.

**4. PERMITS AND CERTIFICATES OF WATER RIGHTS:**

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

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

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

**5. RELEASE OF WATER:**

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

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

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

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

**6. DIVERSION AND USE OF WATER:**

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

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

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

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

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

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

#### **7. QUALITY OF WATER:**

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

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

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

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

**11. PRICE OF WATER:**

11.1. During the initial term, the price for the allocation stated in section 3 shall be \$ 491.50 per year.

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

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

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

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

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

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

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

**12. PAYMENT:**

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

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

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

**13. LIMITATIONS ON LIABILITY:**

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

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

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

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

#### **14. DEFAULT:**

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

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

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

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

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

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

#### **18. NOTICES:**

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

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



18.3. Notices to Customer shall be directed to: Gary and Nadine Jackson Po BOX 683  
3081 Dole Road, Myrtle Creek, OR 97457

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

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

**CUSTOMER**

By *Gary L. Jackson*

Title Owners

Print Name Gary L. Jackson - Nadine T. Jackson

Date 1-24-22

Phone 541-863-6398

Physical Location Same

3081 Dole Road

**DOUGLAS COUNTY**

By \_\_\_\_\_

Scott Adams, Director of Public

Works Department. Authority to sign

contract granted by order of Board of

Commissioners dated February 21, 2018

Date \_\_\_\_\_

**REVIEWED AS TO CONTENT**

By \_\_\_\_\_

Division Manager

Date \_\_\_\_\_

Coding 21531201-281000

**REVIEWED AS TO FORM**

By \_\_\_\_\_

Office of County Counsel

Date \_\_\_\_\_

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EXHIBIT A

COMPUTATION OF RATE:

PRIMARY IRRIGATION

1. 12.00 acres of **primary irrigation**. This allocation shall not exceed **2.23** acre feet per acre each irrigation season.

Acre Feet: 26.76 Annual Cost: \$ 491.50

SUPPLEMENTAL IRRIGATION

2. Rights whose priority is between March 26, 1974, and November 3, 1983:

                     acres of **supplemental irrigation**. This allocation shall not exceed **1.5** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **1.0** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet:                      Annual Cost: \$                     

3. Rights whose priority is between October 24, 1958, and March 26, 1974:

                     acres of **supplemental irrigation**. This allocation shall not exceed **1.0** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **0.6** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet:                      Annual Cost: \$                     

4. Rights whose priority is prior to October 24, 1958:

                     acres of **supplemental irrigation**. This allocation shall not exceed **0.5** acre feet per acre each irrigation season on the South Umpqua River and/or Cow Creek or **0.3** acre foot per acre each irrigation season on the main stem, Umpqua River.

Acre Feet:                      Annual Cost: \$                     

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

Summary:

|                   |                  |           |
|-------------------|------------------|-----------|
| Total Acres:      | <u>12.00</u>     | acres     |
| Total Allocation: | <u>26.76</u>     | acre feet |
| Total Cost:       | <u>\$ 491.50</u> |           |



DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT

RIGHT OF WAY ACTIVITY PERMIT

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|   |                             |           |
|---|-----------------------------|-----------|
| <b>PERMITEE INFORMATION</b><br>Gary Jackson<br>3081 Dole Rd<br>Myrtle Creek, Or 97457<br>541-863-1852<br><a href="mailto:jnbar001@gmail.com">jnbar001@gmail.com</a> | <b>PERMIT #</b>             | 27778     |
|   | <b>PERMIT TYPE</b>          | Utility   |
|   | <b>PLANNING DEPT FILE #</b> |           |
|   | <b>EFFECTIVE DATE</b>       | 1/28/2022 |
|   | <b>EXPIRATION DATE</b>      | 1/28/2023 |

**PROJECT DESCRIPTION**  
 Install seasonal irrigation line through culvert under roadway.

**PROJECT LOCATION**  
 3081 Dole Rd  
 Co. Rd. 14 , M.P. 3.960  
 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.

|                          |                                       |                        |
|--------------------------|---------------------------------------|------------------------|
| <b>AUTHORIZED BY</b><br> | <b>TITLE</b><br>DIVISION ENGINEER<br> | <b>DATE</b><br>1-28-22 |
|--------------------------|---------------------------------------|------------------------|



DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT

# RIGHT OF WAY ACTIVITY PERMIT

|   |                             |           |
|---|-----------------------------|-----------|
| <b>PERMITEE INFORMATION</b><br>Gary Jackson<br>3081 Dole Rd<br>Myrtle Creek, Or 97457<br>541-863-1852<br>jnbar001@gmail.com | <b>PERMIT #</b>             | 27778     |
|   | <b>PERMIT TYPE</b>          | Utility   |
|   | <b>PLANNING DEPT FILE #</b> | 0         |
|   | <b>EFFECTIVE DATE</b>       | 1/28/2022 |
|   | <b>EXPIRATION DATE</b>      | 1/28/2023 |

**SUPPLEMENTAL CONDITIONS**

This is for 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 winter months. The roadway and culvert are to be protected while installation takes place. Work area is to be repaired to as is or better condition. Proper traffic control is to be used while work is being performed.

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Oregon Water Resources Department  
 Stored Water Only Applications - Expedited Secondary

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

Today's Date: Monday, January 24, 2022

|   |           |  |
|---|-----------|--|
| Base Application Fee.   |           | \$610.00                                   |
| Acre feet of Stored Water to be diverted.   | 26.76     | \$829.80                                   |
|   | Subtotal: | \$1,439.80                                 |
| Permit Recording Fee. ***   |           | \$610.00                                   |
| <p>*** 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.</p> |           | <input type="button" value="Recalculate"/> |
| Estimated cost of Permit Application  |           | \$2,049.80                                 |

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