



APPLICATION FOR CONSTRUCTION PERMIT FOR PRIVATE IRRIGATION SYSTEM

Print or type all information below and return to Cube Hydro Carolinas., P.O. Box 575, Badin, N.C. 28009-0575

SECTION ONE—BACKGROUND INFORMATION (to be completed by the Applicant)

- 1. Full Name (adjoining property owner):
2. Permanent Mailing Address:
3. Local Address (if different):
4. Telephone (Business): (Permanent): (Local):
5. Fax No. and E-mail (optional):
6. Reservoir: 7. County:
8. Subdivision: 9. Section: 10. Parcel:
11. Lot No. 12. Tax Map No.:
13. Directions to property:

SECTION TWO—INFORMATION NEEDED FOR INSTALLATION OF OR MODIFICATION TO PRIVATE IRRIGATION SYSTEM (to be completed by Applicant)

- 1. A property map showing the location of the irrigation system including the intake pipe and pump, and the location of the area to be served by the irrigation system (attach map).
2. A design drawing of the irrigation system to be installed or modified (attach plan).
3. An estimate of the amount of water to be withdrawn from the reservoir for irrigation purposes (answer one of the following):
a. On a daily basis:
b. On a weekly basis:
c. On a monthly basis:
4. A schedule for installation of the irrigation system: START ___/___/___ FINISH ___/___/___
5. A fee in the amount of \$175.
6. Notes:

SECTION THREE (to be completed by the Applicant)

I hereby apply for a Construction Permit to construct or modify the above-described private irrigation system in the reservoir, along the shoreline, or within the Cube Yadkin-Managed buffer. I agree to abide by all applicable requirements of Cube's Shoreline Stewardship Policy, the conditions of the Construction Permit, if issued, and other applicable Cube Yadkin procedures and requirements. I also agree that NO WORK will begin until I receive a Construction Permit signed by Cube Yadkin and me, and returned to Cube Yadkin.

Date

Signature of Applicant

CONSTRUCTION PERMIT

This Construction Permit issued by Cube Yadkin this ___ day of ___, 20__ authorizes the construction or modification of the above-described private irrigation system in compliance with the information provided in the application, the conditions of this Permit, Cube Yadkin's Shoreline Stewardship Policy, and all other Cube Yadkin procedures and requirements.

Date

Signature of Cube Hydro Carolinas

CONSTRUCTION PERMIT CONDITIONS

1. The permit is granted solely to the adjoining property owner for the purposes described in the Application for Construction Permit for Private Irrigation System.
2. The adjoining property owner represents that he/she is the owner of the land described in the Application for Construction Permit for Private Irrigation System.
3. The adjoining property owner shall immediately notify Cube Yadkin of any changes in his/her permanent mailing address.
4. The Construction Permit shall expire one year from the issuance date.
5. Within one year of the issuance date of the Construction Permit, the adjoining property owner shall deliver to Cube Yadkin “as-built” drawings demonstrating that the Private Irrigation System has been constructed or modified in compliance with the information provided in the Application for Construction Permit for Private Irrigation System. The Construction Permit shall become null and void if Cube Yadkin has not received from the adjoining property owner said “as-built” drawings within that period.
6. Further, the adjoining property owner agrees to construct or modify, maintain, and operate the Private Irrigation System in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resource values and in a manner as to minimize adverse impact to water quality.
7. Cube Yadkin may terminate the Construction Permit at any time upon 30 days’ notice mailed to the adjoining property owner at the permanent address shown on the Application.
8. The Construction Permit may not be assigned, in whole, or in part by the adjoining property owner. It will become automatically void upon any attempted assignment, foreclosure on the land, or the death of the adjoining property owner.
9. The Construction Permit may be transferable to a subsequent purchaser of the adjoining property owner’s land so long as (i) the Private Irrigation System has been constructed or modified, operated, and maintained in good repair and complies with all applicable federal, State, and local health and safety requirements, (ii) the adjoining property owner has complied with the Construction Permit, Cube Yadkin’s Shoreline Stewardship Policy, and all other applicable Cube Yadkin procedures and requirements, and (iii) the purchaser signs a new permit in the form required by Cube Yadkin.
10. Failure to abide by these laws, the Construction Permit, Cube Yadkin’s Shoreline Stewardship Policy, and all other applicable Cube Yadkin procedures and requirements may be cause for termination of the Construction Permit. Cube Yadkin may also erect a barrier to restrict access to the reservoir, and may require the adjoining property owner, at the adjoining property owner’s expense to cease construction, remove the Private Irrigation System, and perform appropriate restoration and mitigation up to and including restoring the lands and water to their original condition. In addition, if the adjoining property owner fails to take the required action after notice from Cube Yadkin, at the adjoining property owner’s sole expense, Cube Yadkin may remove the Private Irrigation System, treat the Private Irrigation System as it owns property without liability to adjoining property owner for payment and perform the required restoration and mitigation. Cube Yadkin may also pursue any other rights or remedies, including damages they may have hereunder, at law, or in equity.
11. Cube Yadkin shall in no case be liable for any damage or injury to the Private Irrigation System, to the adjoining property owner’s property, or to the adjoining property owner of those claiming through and under the adjoining property owner or of those enjoying the privileges granted by the Construction Permit, arising or resulting from the construction, maintenance, or operation of the Yadkin Project hydroelectric facilities or the use of, or operations upon, the Cube Yadkin-Managed Buffer.
12. The adjoining property owner assumes and agrees to indemnify, defend, and hold harmless Cube Yadkin, including without limitation their employees, agents, contractors, and representatives from and against, any and all injury (including death), loss, damage, claims or cause of action of any kind whatsoever including, without limitation, damage or injury (including death) to person or property and damage to natural resources, arising from, connected with, or growing out of existence, construction, reconstruction, repair, maintenance, modification, replacement, use or other activities related to the Private Irrigation System, the Cube Yadkin-Managed Buffer, the reservoirs, or the use of enjoyments of any right or privileges granted to in the Construction Permit.
13. The grant of the Construction Permit will not in any manner or to any extent limit the rights of Cube Yadkin with respect to the Project lands or waters, or the Cube Yadkin-Managed Buffer. The adjoining property owner will not assert or attempt to assert any right or claim to any of the Project lands or waters, the Cube Yadkin-Managed Buffer or other property rights of Cube, whether or not use of the same is granted in this Permit, and the grant of the Permit will not be deemed to vest title thereto in the adjoining property owner.
14. The Private Irrigation System will be subject to periodic inspection by authorized personnel of Cube Yadkin. Cube Yadkin’s authorized representatives shall be allowed to cross the adjoining property owner’s property, as necessary, to inspect the structures or activities.
15. The Construction Permit shall be encased in a waterproof sheath and posted on the adjoining property owner’s property in a location visible from the water so that it can be visually checked by Cube Yadkin’s authorized representatives. The adjoining property owner shall remove the Construction Permit upon issuance by Cube Yadkin of an Activity Permit for the Private Irrigation System.