

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DANIEL J BOYDEN TRUST
DANIEL BOYDEN
3500 WESTCLIFF DRIVE
HOOD RIVER OR 97031

confirms the right to the use of water perfected under the terms of Permit G-17733. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17446

SOURCE OF WATER: TWO WELLS IN GAERKY CREEK BASIN

PURPOSE OR USE: STORAGE FOR WILDLIFE HABITAT IN POND 1, POND 3, AND POND 4, AND POND MAINTENANCE

MAXIMUM STORAGE VOLUME: 7.5 ACRE FEET (AF), BEING 0.7 AF IN POND 1, 6.8 AF IN POND 3 AND IN POND 4

MAXIMUM RATE/VOLUME: 0.013 CUBIC FOOT PER SECOND (CFS) FOR POND MAINTENANCE

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 27, 2010

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
39 S	1 E	WM	1	SE NW		POA 1 (ORIGINAL) - 2449 FEET SOUTH AND 1815 FEET EAST FROM NW CORNER, SECTION 1
39 S	1 E	WM	1	NW NW	49	POA 2 (ADDITIONAL) - 1327 FEET SOUTH AND 478 FEET EAST FROM NW CORNER, SECTION 1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

RESERVOIR LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
39 S	1 E	WM	1	SW NW	49	POND 1 – SOUTH 16 DEGREES, 46 MINUTES EAST, 1650 FEET FROM NW CORNER, SECTION 1
39 S	1 E	WM	1	SW SW	49	POND 3 - SOUTH 6 DEGREES, 33 MINUTES EAST, 5400 FEET FROM NW CORNER, SECTION 1
39 S	1 E	WM	11	NE NE	49	POND 4 - SOUTH 6210 FEET FROM NW CORNER, SECTION 1

THE PLACE OF USE IS LOCATED AS FOLLOWS:

POND MAINTENANCE						
Twp	Rng	Mer	Sec	Q-Q	DLC	
39 S	1 E	WM	1	SW NW	49	
39 S	1 E	WM	1	SW SW	49	
39 S	1 E	WM	11	NE NE	49	
39 S	1 E	WM	12	NW NW	49	

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

For POA 2 - The user shall report seven consecutive annual static water level measurements. Based on analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

For POA 1 - The Director may require the user to obtain and report annual static water level measurements. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and

- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- (A) Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- (B) Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) Annual water level measurements reveal a water level decline of 25 or more feet; or
- (D) Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The reference levels against which any future measurements will be compared are 104.70 feet below land surface for POA 1 and 82.70 feet below land surface for POA 2.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Water shall be acquired from the same aquifer as the original point of appropriation.

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be subsequently reduced.

The water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Surface water shall not be appropriated to fill or maintain the reservoirs without a water right permitting the diversion and use of such surface water.

The water user is required to pass all surface water for which a storage right does not exist. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that surface-water flow is not impeded. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

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

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port adequate to determine the water-level elevation in the well at all times.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

The Director may require water-level or pump-test data every ten years.

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

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued MAY 24 2024.



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department