

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

J. FRANK SCHMIDT AND SON COMPANY
PO BOX 189
BORING, OREGON 97009

503-663-4128

to use the waters of ONE WELL in the NORTH FORK DEEP CREEK BASIN for IRRIGATION OF 30.4 ACRES.

This permit is issued approving Application G-12395. The date of priority is JANUARY 22, 1991. The use is limited to not more than 0.38 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 4, T 2 S, R 4 E, W.M.; 2590 FEET SOUTH AND 2620 FEET EAST FROM THE NE CORNER OF SECTION 4.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

In the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

NE 1/4 SE 1/4 27.6 ACRES
SE 1/4 SE 1/4 2.8 ACRES
SECTION 4
TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well shall be constructed 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, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval. A static water level measurement shall be made and submitted before any use of water under the terms of this permit may commence at the well.

A regulating device shall be installed pursuant to ORS 540.310. Use of water from the well shall be controlled or shut off if limits specified in the permit to protect the resource from depletion and prior appropriators from interference are exceeded.

A static water level measurement shall be made and submitted before any use of water may commence at the well. The Department shall determine, from measurements submitted by the permittee/appropriator, or other data on file in the Department, the initial and subsequent water levels from which the previously cited declines are referenced.

Following the issuance of this permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high water level), and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a Certified Water Right Examiner, Licensed Water Well Driller, Licensed Pump Installer, Registered Geologist, Licensed Land Surveyor, Registered Professional Engineer, or the Permittee/Appropriator.

The appropriator shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If the well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the appropriator shall discontinue use of, or reduce the rate or volume of withdrawal from, the well. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the appropriators 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 appropriator shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before January 13, 1995 and shall be completed on or before October 1, 1995. Complete application of the water shall be made on or before October 1, 1996.

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

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, January 13, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

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Application G-12395	Water Resources Department	PERMIT G-11636
Basin 2 Volume 23A North Fork Deep Creek & Misc.	MGMT.CODES 4EG, 4HG	District 16