

STATE OF OREGON
COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

AGATE WATER SYSTEM
22165 BEAR CREEK RD
BEND, OREGON 97701

(541) 382-2855

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13700

SOURCE OF WATER: FIVE WELLS IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI MUNICIPAL USE, FOR 925 DOMESTIC AND COMMERCIAL SITES.

MAXIMUM RATE: 2.23 CUBIC FEET PER SECOND, BEING 0.334 CFS EACH FROM WELLS 1, 2, AND 4, AND 0.668 CFS FROM WELL 3, AND 0.558 CFS FROM WELL 5

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MAY 31, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4 SECTION 23, NE 1/4 NE 1/4, SE 1/4 NW 1/4, SW 1/4 SE 1/4 SECTION 26, TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.;

WELL 1 380 FEET SOUTH AND 310 FEET WEST FROM THE NE CORNER SECTION 26
WELL 2 350 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER SECTION 26
WELL 3 1440 FEET SOUTH AND 2210 FEET EAST FROM THE NW CORNER SECTION 26
WELL 4 2150 FEET NORTH AND 1690 FEET EAST FROM THE NW CORNER SECTION 26
WELL 5 1454 FEET SOUTH AND 2224 FEET EAST FROM THE NW CORNER SECTION 26

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4
SECTION 22
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 23

NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4

SECTION 24

NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4

SECTION 25

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 26

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4

SECTION 27

TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, 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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit 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.

STANDARD CONDITIONS

The wells 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.

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

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.

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 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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 14, 1996

for 
Martha O. Pagel, Director
Water Resources Department

Application G-13700 Water Resources Department
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MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-12674
District 11