

STATE OF OREGON

COUNTY OF JEFFERSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GORDON & NIKI CLARK
ASHWOOD STAR RT
MADRAS, OREGON 97741

(541)475-3141

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

APPLICATION FILE NUMBER: G-12478

SOURCE OF WATER: SEVEN WELLS IN THE HAY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 365.25 ACRES AND SUPPLEMENTAL IRRIGATION OF 1330.35 ACRES

RATE OF USE: 9.92 CUBIC FEET PER SECOND (CFS), BEING: "DOMESTIC" WELL - 0.05 CFS, WELL #1 - 1.34 CFS, WELL #2 - 2.67 CFS, WELL #4 - 1.56 CFS, WELL #5 - 2.90 CFS, WELL #6 - 0.50 CFS, WELL #7 - 0.90 CFS

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: APRIL 5, 1991

POINT OF DIVERSION LOCATION: ALL WELLS ARE LOCATED IN T 11 S, R 15 E., W.M.:

"DOMESTIC" WELL - SW 1/4 SE 1/4, SECTION 16; 80 FEET NORTH & 1050 FEET EAST FROM S 1/4 CORNER, SECTION 16.

WELL #1 - SW 1/4 NE 1/4, SECTION 27; 300 FEET NORTH & 1700 FEET WEST FROM E 1/4 CORNER, SECTION 27.

WELL #2 - SW 1/4 NE 1/4, SECTION 27; 500 FEET NORTH & 1800 FEET WEST FROM E 1/4 CORNER, SECTION 27.

WELL #4 - SE 1/4 SW 1/4, SECTION 11; 600 FEET NORTH & 1400 FEET EAST FROM SW CORNER, SECTION 11.

WELL #5 - SW 1/4 SW 1/4, SECTION 11; 1150 FEET NORTH & 1280 FEET EAST FROM SW CORNER, SECTION 11.

WELL #6 - NW 1/4 SW 1/4, SECTION 10; 400 FEET SOUTH & 1300 FEET EAST FROM W 1/4 CORNER, SECTION 10;

WELL #7 - NW 1/4 SE 1/4, SECTION 9; 600 FEET SOUTH & 2300 FEET WEST FROM E 1/4 CORNER, SECTION 9.

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 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 SW 1/4		12.50
SW 1/4 SW 1/4		11.75
SECTION 32		
TOWNSHIP 10 SOUTH, RANGE 15 EAST, W.M.		
NW 1/4 NW 1/4		1.50
SW 1/4 NW 1/4		24.50
SE 1/4 NW 1/4		5.50
NE 1/4 SW 1/4		7.25
NW 1/4 SW 1/4		3.50
SECTION 5		
NE 1/4 NE 1/4		0.75
SE 1/4 NE 1/4		3.00
SECTION 6		
NE 1/4 NE 1/4		8.00
SE 1/4 NE 1/4	13.80	13.80
NE 1/4 SE 1/4	1.20	
SECTION 8		
NE 1/4 NE 1/4		28.40
NW 1/4 NE 1/4		28.80
SW 1/4 NE 1/4		39.50
SE 1/4 NE 1/4		32.00
NE 1/4 NW 1/4		22.60
NW 1/4 NW 1/4		14.40
SW 1/4 NW 1/4	3.80	27.20
SE 1/4 NW 1/4		40.00
NE 1/4 SW 1/4	1.80	33.00
NW 1/4 SW 1/4	36.00	
SW 1/4 SW 1/4	17.40	
SE 1/4 SW 1/4	17.60	17.00
NE 1/4 SE 1/4		40.00
NW 1/4 SE 1/4		40.20
SW 1/4 SE 1/4		40.20
SE 1/4 SE 1/4		40.00
SECTION 9		
SW 1/4 NE 1/4		8.00
SE 1/4 NE 1/4		12.00
NE 1/4 NW 1/4		8.00
NW 1/4 NW 1/4		20.80
SW 1/4 NW 1/4		19.00
SE 1/4 NW 1/4		7.20
NE 1/4 SW 1/4		40.00
NW 1/4 SW 1/4	5.40	40.00
SW 1/4 SW 1/4	13.00	19.00
SE 1/4 SW 1/4	2.20	20.40
NE 1/4 SE 1/4	4.40	35.60
NW 1/4 SE 1/4	7.80	30.80
SW 1/4 SE 1/4	14.10	2.40
SE 1/4 SE 1/4	16.00	14.80
SECTION 10		

SW 1/4 NE 1/4		23.80
SE 1/4 NE 1/4		9.20
SW 1/4 NW 1/4		24.00
SE 1/4 NW 1/4		29.70
NE 1/4 SW 1/4		27.60
NW 1/4 SW 1/4		40.20
SW 1/4 SW 1/4	5.60	8.40
SE 1/4 SW 1/4		25.00
NE 1/4 SE 1/4		0.10
NW 1/4 SE 1/4		3.60
SECTION 11		
SW 1/4 NE 1/4		9.80
SE 1/4 NE 1/4		5.00
SW 1/4 NW 1/4		7.70
SE 1/4 NW 1/4		14.00
NE 1/4 SE 1/4		1.60
NW 1/4 SE 1/4		0.80
SECTION 12		
NE 1/4 NW 1/4		8.80
NW 1/4 NW 1/4		5.20
SW 1/4 NW 1/4		2.00
SW 1/4 SW 1/4	35.00	
SECTION 14		
NW 1/4 NW 1/4		1.00
SE 1/4 SW 1/4	2.10	
SW 1/4 SE 1/4	8.60	
SE 1/4 SE 1/4	21.90	
SECTION 15		
NE 1/4 NE 1/4	9.00	6.00
NW 1/4 NE 1/4		36.00
SW 1/4 NE 1/4		21.25
NE 1/4 NW 1/4	2.20	3.75
NW 1/4 NW 1/4	3.60	
NW 1/4 SE 1/4		13.25
SW 1/4 SE 1/4	6.50	
SECTION 16		
NE 1/4 NE 1/4		11.25
SE 1/4 NE 1/4		4.00
SECTION 21		
NE 1/4 NE 1/4	5.20	
SW 1/4 NE 1/4	19.00	1.50
NE 1/4 NW 1/4	7.70	
NW 1/4 NW 1/4	3.50	1.00
SW 1/4 NW 1/4	4.20	24.00
SE 1/4 NW 1/4	10.50	28.50
NE 1/4 SW 1/4	10.80	20.00
NW 1/4 SW 1/4	1.60	5.25
SE 1/4 SW 1/4	0.70	
NE 1/4 SE 1/4	17.00	
NW 1/4 SE 1/4	6.75	33.25
SW 1/4 SE 1/4		33.25
SECTION 22		

NW 1/4 NW 1/4 29.30

SECTION 23

NW 1/4 NE 1/4

18.00

SW 1/4 NE 1/4

9.25

SECTION 27

TOWNSHIP 11 SOUTH, RANGE 15 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.

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.

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

Use of water from Well #4 is contingent upon reconstruction, or a satisfactory alternative action, as required and approved by Well Enforcement staff.

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.

The water user 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(s). 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(s) 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 a well listed on this permit (or replacement well) 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 water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). 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 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 permit.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 September 30, 1996



Martha O. Page, Director
Water Resources Department

B - ext. to 101103

C - ext. to 101103