

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BIG FALLS RANCH CO.
PO BOX 434
TERREBONNE, OR 97760

541-548-8954

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-11923

SOURCE OF WATER: WELL 1, WELL 3, WELL 4, AND WELL 7 WITHIN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 501.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 464.9 ACRES

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 12.07 CUBIC FEET PER SECOND (CFS), LIMITED TO 6.26 CFS FOR PRIMARY IRRIGATION AND 5.81 CFS FOR SUPPLEMENTAL IRRIGATION, BEING FURTHER LIMITED TO NOT MORE THAN 3.35 CFS FROM WELL 1, 3.35 CFS FROM WELL 3, 4.45 CFS FROM WELL 4, OR 2.23 CFS FROM WELL 7.

PERIOD OF USE: APRIL 1 TO OCTOBER 31 OF EACH YEAR

DATE OF PRIORITY: MAY 15, 1989

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SW 1/4 SE 1/4, SECTION 9, NW 1/4 NW 1/4, SECTION 17, SW 1/4 SE 1/4, SECTION 18, TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.; WELL 1 - 1050 FEET NORTH AND 6980 FEET WEST FROM THE SE CORNER OF SECTION 17; WELL 3 - 1900 FEET SOUTH AND 1500 FEET WEST FROM THE NE CORNER OF SECTION 17; WELL 4 - 120 FEET SOUTH AND 60 FEET EAST, AND WELL 7 - 1220 FEET SOUTH AND 2540 FEET EAST, BOTH FROM THE NW CORNER OF SECTION 17

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>
SW 1/4 SW 1/4 SECTION 3		3.3 ACRES
SW 1/4 SE 1/4 SE 1/4 SE 1/4 SECTION 4		12.0 ACRES 26.5 ACRES

<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4	1.4 ACRES
NE 1/4 SW 1/4 0.4 ACRE	
SW 1/4 SW 1/4 31.0 ACRES	
SE 1/4 SW 1/4 36.4 ACRES	
NE 1/4 SE 1/4	33.8 ACRES
NW 1/4 SE 1/4 29.2 ACRES	
SW 1/4 SE 1/4 40.6 ACRES	
SE 1/4 SE 1/4	40.6 ACRES
SECTION 8	
NW 1/4 NE 1/4	26.7 ACRES
SW 1/4 NE 1/4	40.0 ACRES
SE 1/4 NE 1/4	10.3 ACRES
NE 1/4 NW 1/4	9.8 ACRES
SW 1/4 NW 1/4	28.2 ACRES
SE 1/4 NW 1/4	38.3 ACRES
NE 1/4 SW 1/4	37.2 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	15.5 ACRES
SE 1/4 SW 1/4	9.1 ACRES
NE 1/4 SE 1/4	1.6 ACRES
NW 1/4 SE 1/4	17.8 ACRES
SECTION 9	
NE 1/4 NE 1/4	39.6 ACRES
NW 1/4 NE 1/4 13.6 ACRES	27.2 ACRES
SW 1/4 NE 1/4 16.1 ACRES	
SE 1/4 NE 1/4 32.7 ACRES	
NE 1/4 NW 1/4 34.8 ACRES	6.0 ACRES
NW 1/4 NW 1/4 40.0 ACRES	
SE 1/4 NW 1/4 0.6 ACRE	
NE 1/4 SW 1/4 27.0 ACRES	
NW 1/4 SW 1/4 17.5 ACRES	
SW 1/4 SW 1/4 35.8 ACRES	
SE 1/4 SW 1/4 36.4 ACRES	
NE 1/4 SE 1/4 15.9 ACRES	
NW 1/4 SE 1/4 27.1 ACRES	
SW 1/4 SE 1/4 6.8 ACRES	
SECTION 17	
SW 1/4 SE 1/4 4.3 ACRES	
SE 1/4 SE 1/4 4.0 ACRES	
SECTION 18	
NE 1/4 NE 1/4 7.6 ACRES	
NW 1/4 NE 1/4 8.6 ACRES	
SW 1/4 NE 1/4 5.9 ACRES	
SE 1/4 NE 1/4 1.9 ACRES	
NE 1/4 NW 1/4 0.8 ACRE	
SE 1/4 NW 1/4 0.4 ACRE	
SECTION 19	
NE 1/4 NW 1/4 11.6 ACRES	
NW 1/4 NW 1/4 14.1 ACRES	
SECTION 20	

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

SPECIAL CONDITIONS

1. Use of water under this permit may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows. 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 interference.

2. This permit is for the beneficial use of water without waste. New regulations established in future may require the use of best practical technologies or conservation practices to achieve this end.

3. Use of water under this permit shall conform to such reasonable rotation system as may be deemed a beneficial use without waste. The permittee shall restrict normal use to pumping from two wells at any given time, with the following exceptions:

- a) During the height of the irrigation season a maximum of three wells may be used;
- b) When no surface water is being used by the permittee then all four wells may be used up to the maximum allowed under this permit.

4. 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 any time.

5. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device on each well as approved by the Director. The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used each month, as well as the average pumping rate at each well, 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.

6. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

7. The permittee shall obtain a static water level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water rights examiner, registered professional geologist, or

professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations.

8. If a well listed on this permit displays a total static water level decline of ten or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) under this permit. Such action shall be taken until the water level recovers to above the ten-foot decline level or until the Department determines, based on the permittee's 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. Regulation under this condition shall be made only as among the wells under this permit.

9. The reference level for static water level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

10. Except for test pumping under the direction of the Department, the permittee shall not withdraw water from Well Number 7 for one year after this permit is issued. The permittee shall continue to measure the static water level in Well Number 7 monthly for one year after permit issuance, and shall report each static water level measurement to the Department within thirty days.

11. The permittee shall allow the watermaster access to Well Number 7 for the purpose of static water level monitoring. In addition, the permittee shall allow the previously-installed continuous static water level recording device to remain on Well Number 7 for one year after permit issuance and use of Well 7.

12. For the first irrigation season in which use is allowed, a base static water level (for Well #7) shall be the average depth-to-water below ground level of the following levels:

- a) 170.0 feet recorded on the well log dated November 10, 1990;
- b) 170.0 feet recorded during reconstruction of the well on February 7, 1991;
- c) 170.09 feet recorded by the Water Resources Department on August 31, 1993; and
- d) The average of the static water levels measured during March of each year from 1994 through the first year use is allowed from this well.

13. If there is a decline in the static water level in Well Number 7 of more than ten feet below the average depth-to-water below ground level as established in condition 12 above, at any time during operation of Wells Number 1, 3 and/or 4, the permittee shall stop pumping said wells until the static water level recovers.

14. For all subsequent irrigation seasons after the year use of wells 1, 3 and/or 4 begins, the static water level of Well Number 7 shall be measured in the month of March prior to the beginning of the irrigation season. Water level in the well shall also be measured during the months of May, July and September, at times when the well is not being used. If no decline of greater than ten feet occurs in Well Number 7 during the measurement periods for the first four years of use under this permit of wells 1, 3 and 4, and during the three years of use under this permit of Well 7, measurement of the static water level in Well Number 7 may be discontinued at the end of the irrigation season of the fourth year of use under this permit. No further monitoring or measurement of Well Number 7 in May, July and September will be required thereafter unless the Department has conclusive evidence that a general decline in the March static water levels in the area of Wells Number 1, 3, 4 and/or 7 has occurred.

15. If decline in the static water level of Well Number 7 is found to be unrelated to the use of water from Wells Number 1, 3 and/or 4, the base static water level established under condition #12 above shall be recalculated in the manner described in condition 9 to reflect a new average depth-to-water in Well Number 7. The recalculated base static water level shall be used for purposes of regulation of water use under this permit.

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

17. 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, or is measurably reducing, the surface water flows necessary to maintain the free-flowing character of the Deschutes scenic waterway.

18. Use of water from McKenzie Canyon under Certificate 44283 is converted from primary use to supplemental use. Certificate 44283 is canceled and a new certificate will be issued confirming the right for supplemental use only. The priority date will not change.

19. Rights of use under the following decreed or certificated rights are hereby voluntarily relinquished and abandoned:

#	Priority	POU
C. 1353	1913	30 ac. SESE T14SR12E Sec. 4
V.2 p.264	1904	20 ac. SENE T14SR12E Sec. 8
C. 2195	1912	15 ac. NESW, 5 ac. NWSW, 30 ac. NWSE T14SR12E Sec. 8
C. 2917	1912	40 ac. SWNE, 30 ac. SWNW, 40 ac. SENW T14SR12E Sec. 9

C. 2917	1912	40 ac. SENE, 20 ac. NESW, 6 ac. NWSW, 29 ac. SESW, 25 ac. NESE, 40 ac. NWSE, 20 ac. SWSE, T14SR12E Sec. 17
C. 902	1904	8 ac. SWSE T14SR12E Sec. 18
C. 850	1904	10.5 ac. SWSE T14SR12E Sec. 18
C. 850	1904	35 ac. SWNE, 33.5 ac. SENE, 0.4 ac. SENW, T14SR12E Sec. 19
C. 302	1904	4 ac. SWNE, 2 ac. SENE, T14SR12E Sec. 19
C. 2917	1912	15 ac. NENW, 25 ac. NWNW, T14SR12E Sec. 20

20. Prior to use under this permit, the permittee shall submit all necessary authorization for the voluntary relinquishment and cancellation of these rights as are appurtenant to lands owned by the permittee. The Department shall cancel the rights as authorized. Use by permittee of these rights, or any canceled portion thereof, shall result in appropriate enforcement action for unauthorized use of water, including civil penalty action under ORS 537.130 *et seq.* and cancellation of this permit.

21. For use supplemental to existing rights on the place of use, the right is limited to any deficiency in the available supply of any prior right existing for the same land.

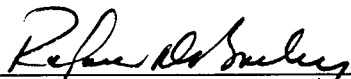
22. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

23. Water use development requirements;

- a) Begin construction by one year from permit issuance.
- b) Complete construction by October 1, 2000.
- c) Completely apply the water to the beneficial use proposed by October 1, 2001.

This permit is issued to correctly describe the primary and supplemental acres. Permit G-13177, dated July 22, 1997, is superseded by this instrument and is of no further force or effect.

Issued March 25, 1998



Martha O. Pagel, Director
Water Resources Department