

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BRADLEY C AND DIANE S FACKRELL
LAKESIDE GARDENS
16211 SE FOSTER RD
PORTLAND, OREGON 97223

(503) 760-6044

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

APPLICATION FILE NUMBER: G-15259

SOURCE OF WATER: A WELL IN KELLY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 3.004 ACRES, DOMESTIC USE FOR TWO HOUSEHOLDS AND MAINTENANCE OF TWO PONDS CONSTRUCTED UNDER APPLICATION R-84599, PERMIT #R-13336, FOR FISH LIFE, WILDLIFE AND RECREATION

MAXIMUM RATE: 0.076 CUBIC FOOT PER SECOND (CFS); BEING 0.038 CFS FOR IRRIGATION, 0.028 CFS FOR FISH LIFE, WILDLIFE AND RECREATION, AND 0.01 CFS FOR DOMESTIC USE EXPANDED FOR TWO HOUSEHOLDS

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR FISH LIFE, WILDLIFE AND RECREATION AND DOMESTIC USE EXPANDED

DATE OF PRIORITY: NOVEMBER 30, 2000

WELL LOCATION: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T1S, R2E, W.M.; 444 FEET NORTH & 115 FEET WEST FROM SE CORNER, SECTION 13

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 PLACE OF USE IS LOCATED AS FOLLOWS:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.791 ACRES, DOMESTIC, AND FISH LIFE, WILDLIFE & RECREATION
SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.213 ACRES, DOMESTIC, AND FISH LIFE, WILDLIFE & RECREATION
SECTION 24
TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M.

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Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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.

The well(s) shall produce groundwater from no shallower than 150 feet below land surface.

STANDARD CONDITIONS

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 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 a 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.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 8, 2002


 Paul R. Cleary, Director
 Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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 Basin 02
 DIP

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