

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES AND JEAN VERHEYDEN  
61848 FALL CREEK LOOP  
BEND, OR 97702

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

APPLICATION FILE NUMBER: G-16920

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

RATE AND VOLUME: 0.22 CUBIC FOOT PER SECOND (CFS), BEING NO MORE THAN 0.1 CFS FOR IRRIGATION, NO MORE THAN 0.02 CFS FOR POND MAINTENANCE OF POND 1, AND NO MORE THAN 0.22 CFS FOR POND MAINTENANCE OF POND 2; 32.0 ACRE FEET FOR STORAGE OF GROUND WATER, BEING 2.0 AF IN POND 1 AND 30.0 AF IN POND 2; APPROPRIATE 2.0 AF FROM POND 1 AND 30.0 AF FROM POND 2 FOR IRRIGATION USE ON 8.0 ACRES

PERIOD OF USE: IRRIGATION - MARCH 1 THROUGH OCTOBER 31  
POND MAINTENANCE - YEAR ROUND  
STORAGE OF GROUND WATER - YEAR ROUND

DATE OF PRIORITY: AUGUST 24, 2007

WELL LOCATION: NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 15, T17S, R11E, W.M.; 200 FEET NORTH AND 450 FEET WEST FROM SE CORNER, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 15

DAM LOCATIONS:

POND 1 - NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 15, T17S, R11E, W.M.; 225 FEET NORTH AND 525 FEET WEST FROM SE CORNER, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 15

POND 2 - NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 15, T17S, R11E, W.M.; 500 FEET NORTH AND 750 FEET WEST FROM SE CORNER, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 15

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NW ¼ 7.0 ACRES IRRIGATION, POND MAINTENANCE AND STORAGE  
SE ¼ NW ¼ 1.0 ACRE IRRIGATION  
SECTION 15  
TOWNSHIP 17 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 totalizing flow meter at each point of appropriation. 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.

Surface water shall not be appropriated to fill or maintain the reservoir without a water right permitting the diversion and use of such surface water.

The permittee is required to pass all surface water flow for which a water-use authorization does not exist.

The permittee is required to pass all surface water for which a storage right does not exist. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that surface-water flow is not impeded. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

**Ground Water Mitigation Conditions:**

1. Mitigation Obligation: 19.7 AF of mitigation water in the General Zone of Impact, being 14.4 AF for irrigation, 0.5 AF for Pond 1 (0.2 acres), and 4.8 AF for Pond 2 (1.8 acres).

2. Mitigation Source: 19.7 mitigation credits
3. Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
4. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.
5. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.
6. Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

**Scenic Waterway Condition:**

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**

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

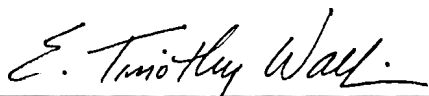
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued April 26, 2012



E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director