

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL J BOYDEN TRUST  
DANIEL J BOYDEN TRUSTEE  
PO BOX 337  
JACKSONVILLE, OR 97530

**This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-12298 and approved by Special Order Vol. 104, Page 991, entered MAY 18 2017. This permit supersedes Permit G-17158.**

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

APPLICATION FILE NUMBER: G-17446

SOURCE OF WATER: 4 WELLS IN GAERKY CREEK BASIN

PURPOSE OR USE: STORAGE FOR WILDLIFE HABITAT IN POND 1, POND 2, POND 3, POND 4, AND POND 5, IRRIGATION OF 52.0 ACRES, AND POND MAINTENANCE

MAXIMUM STORAGE VOLUME: 13.0 ACRE FEET (AF), BEING 1.5 AF IN POND 1, 1.0 AF IN POND 2, 6.0 AF IN POND 3, 2.0 AF IN POND 4, AND 2.5 AF IN POND 5

MAXIMUM RATE/VOLUME: 0.033 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.013 CFS FOR POND MAINTENANCE

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

DATE OF PRIORITY: DECEMBER 27, 2010

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	1 E	WM	1	SE NW	POA 1 - 2449 FEET SOUTH AND 1815 FEET EAST FROM THE NW CORNER OF SECTION 1
39 S	1 E	WM	1	NW NW	POA 2 - 1327 FEET SOUTH AND 478 FEET EAST FROM THE NW CORNER OF SECTION 1

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	1 E	WM	1	SW NW	POA 5 - 1953 FEET SOUTH AND 118 FEET EAST FROM THE NW CORNER OF SECTION 1
39 S	1 E	WM	1	NW SW	POA 7 - 3499 FEET SOUTH AND 250 FEET EAST FROM THE NW CORNER OF SECTION 1

## RESERVOIR LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
39 S	1 E	WM	1	SW NW	49	POND 1 – 1015 FEET SOUTH AND 1285 FEET EAST FROM THE NW CORNER OF DLC 49
39 S	1 E	WM	2	SE NE	49	POND 2 – 1623 FEET SOUTH AND 565 FEET EAST FROM THE NW CORNER OF DLC 49
39 S	1 E	WM	1	SW SW	49	POND 3 - 4812 FEET SOUTH AND 1410 FEET EAST FROM THE NW CORNER OF DLC 49
39 S	1 E	WM	11	NE NE	49	POND 4 – 5570 FEET SOUTH AND 795 FEET EAST FROM THE NW CORNER OF DLC 49
39 S	1 E	WM	12	SW NW	49	POND 5 – 6465 FEET SOUTH AND 980 FEET EAST FROM THE NW CORNER OF DLC 49

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

## THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
39 S	1 E	WM	1	SW NW	2		3.6
39 S	1 E	WM	1	NW SW		49	8.2
39 S	1 E	WM	1	NW SW	3		0.1

IRRIGATION AND POND MAINTENANCE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	1	SW NW	49	21.3
39 S	1 E	WM	2	SE NE	49	5.2
39 S	1 E	WM	2	NE SE	49	13.6

POND MAINTENANCE					
Twp	Rng	Mer	Sec	Q-Q	DLC
39 S	1 E	WM	1	SW SW	49
39 S	1 E	WM	11	NE NE	49
39 S	1 E	WM	12	NW NW	49
39 S	1 E	WM	12	SW NW	49

Permit Amendment T-12298 Conditions

Water shall be acquired from the same aquifer as the original point of appropriation.

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted/stored each month, and shall submit a report which includes water-use/water-storage 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting

period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee'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. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

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.

Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method. Surface water shall not be appropriated to fill or maintain the reservoirs without a water right permitting the diversion and use of such surface water.

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.

### 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 be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or 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 well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port 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 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 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 on or before April 17, 2019. 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     **MAY 18 2017**    , 2017



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Dwight French, Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department