

STATE OF OREGON  
 COUNTY OF CLACKAMAS  
 PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREEK GOLF COURSE, INC.  
 25805 SE DOWTY STREET  
 EAGLE CREEK, OR 97022

**This superseding permit is issued to describe an amendment for a change in points of appropriation, an additional point of appropriation and a change in place of use proposed under Permit Amendment Application T-13051 and approved by Special Order Vol. 116, Page 35, entered MAR 26 2020, and to describe an extension of time for complete application of water approved March 26, 1996, March 13, 1997, January 24, 2000 and October 26, 2018. This permit supersedes Permit G-11627**

to use the waters of FOUR WELLS in the EAGLE CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 234.0 ACRES, COMMERCIAL USE, AND MAINTENANCE OF PONDS FOR RECREATION PURPOSES.

This permit is issued approving Application G-12589. The date of priority is JUNE 24, 1991. The use is limited to not more than 2.95 CUBIC FEET PER SECOND (CFS) BEING 2.93 CFS FOR IRRIGATION, 0.01 CFS FOR COMMERCIAL, AND 0.01 CFS FOR RECREATION, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-----|-----|-----|-----|-------|--|
| 3 S | 3 E | WM  | 1   | NE SE | WELL 1 – 1965 FEET NORTH AND 190 FEET WEST FROM THE SE CORNER OF SECTION 1 |
| 3 S | 3 E | WM  | 1   | SE SE | WELL 2 – 985 FEET NORTH AND 245 FEET WEST FROM THE SE CORNER OF SECTION 1  |
| 3 S | 3 E | WM  | 1   | SE SE | WELL 4 – 70 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER OF SECTION 1    |
| 3 S | 4 E | WM  | 6   | SW SW | WELL 3 – 1130 FEET NORTH AND 110 FEET EAST FROM THE SW CORNER OF SECTION 6 |

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 period of allowed use for irrigation is March 1 through October 31.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.



A description of the proposed place of use under this permit is as follows:

| RECREATION |     |     |     |       |
|------------|-----|-----|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   |
| 3 S        | 3 E | WM  | 1   | SE NE |
| 3 S        | 4 E | WM  | 6   | SW NW |
| 3 S        | 4 E | WM  | 6   | NW SW |

| COMMERCIAL AND RECREATION |     |     |     |       |
|---------------------------|-----|-----|-----|-------|
| Twp                       | Rng | Mer | Sec | Q-Q   |
| 3 S                       | 3 E | WM  | 1   | NE SE |

| SUPPLEMENTAL IRRIGATION |     |     |     |       |       |
|-------------------------|-----|-----|-----|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | Acres |
| 2 S                     | 3 E | WM  | 36  | SW SE | 5.0   |
| 2 S                     | 3 E | WM  | 36  | SE SE | 10.4  |
| 2 S                     | 4 E | WM  | 31  | SW SW | 2.5   |
| 3 S                     | 3 E | WM  | 1   | NE NE | 17.5  |
| 3 S                     | 3 E | WM  | 1   | NW NE | 4.3   |
| 3 S                     | 3 E | WM  | 1   | SW NE | 10.8  |
| 3 S                     | 3 E | WM  | 1   | SE NE | 26.9  |
| 3 S                     | 3 E | WM  | 1   | SE NW | 0.4   |
| 3 S                     | 3 E | WM  | 1   | NE SE | 16.0  |
| 3 S                     | 3 E | WM  | 1   | NW SE | 4.5   |
| 3 S                     | 3 E | WM  | 1   | SE SE | 6.9   |
| 3 S                     | 3 E | WM  | 12  | NE NE | 0.9   |
| 3 S                     | 4 E | WM  | 6   | NW NW | 6.3   |
| 3 S                     | 4 E | WM  | 6   | SW NW | 3.2   |
| 3 S                     | 4 E | WM  | 6   | NE SW | 5.7   |
| 3 S                     | 4 E | WM  | 6   | NW SW | 4.3   |
| 3 S                     | 4 E | WM  | 6   | SW SW | 36.0  |
| 3 S                     | 4 E | WM  | 6   | SE SW | 37.1  |
| 3 S                     | 4 E | WM  | 6   | NW SE | 6.2   |
| 3 S                     | 4 E | WM  | 6   | SW SE | 17.0  |
| 3 S                     | 4 E | WM  | 7   | NE NW | 1.9   |
| 3 S                     | 4 E | WM  | 7   | NW NW | 10.2  |
| Total                   |     |     |     |       | 234.0 |

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.

Permit Amendment T-13051 Conditions:

The quantity of water diverted at the new points of appropriation (WELL 1 and WELL 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 1, WELL 2 and WELL 3).

The combined quantity of water diverted at the new points of appropriation (WELL 4), together with that diverted at the old point of appropriation (WELL 1, WELL 2 and WELL 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (WELL 1, WELL 2 and WELL 3).



Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each new point of appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

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

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time Conditions:

**Checkpoint Condition:**

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2023.

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

**Last Extension Condition:**

This may be the last extension of time granted for Permit G 11627. Any future extensions of time request shall be denied, unless the Department has determined diligence is shown during this extension period. To show diligence, the permit holder must submit the Progress Report as required by the Checkpoint Condition above, which demonstrates, at minimum, one of the following benchmarks has been achieved on or before October 1, 2023, being the date the Progress Report is due. Failure to submit the Progress Report within 30-days of October 1, 2023, and/or failure to demonstrate diligence as required in this condition shall result in any future request for an extension of time to be denied. In addition to the requirements of this condition, for future extension requests, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.



Benchmark 1:

To demonstrate diligence under Benchmark 1, the permit holder must submit a map prepared by a Certified Water Rights Examiner which illustrates development to the beneficial use on an additional 100.0 acres of land as authorized under the terms and conditions of the permit or any subsequent permit amendment to change the place of use. The 100.0 acres of land must be in addition to the 66.45 acres that have been previously developed as illustrated in the map attached to the Application for Extension of Time submitted to the Department on June 19, 2018. A copy of this map is included in this proposed final order, and is referenced as Attachment "A".

Benchmark 2:

To demonstrate diligence under Benchmark 2, the permit holder must submit a report, certified by a Certified Water Rights Examiner, which demonstrates that beneficial use of a minimum of 2.0 cfs of water has been achieved as authorized under the terms and conditions of the permit or any subsequent permit amendment. The report must include documentation of the maximum rate of water put to beneficial use from each point of appropriation, the volume of water put to beneficial use from each point of appropriation, the nature of the use from each point of appropriation, and documentation of compliance with permit conditions from each point of appropriation.

## 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.

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.

Actual construction of the well was to begin on or before November 2, 1994 and was to be completed before October 1, 1995. Complete application of the water was to be made on or before October 1, 1996. By Extension of Time Final Order dated October 26, 2018, the completion of construction and application of the water was extended to on or before October 1, 2023.

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.

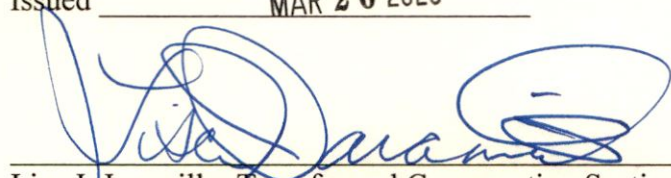
This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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 of the water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued MAR 26 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

