

STATE OF OREGON

COUNTY OF WHEELER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BRIDGE CREEK RANCH LLC  
355 GOODPASTURE ISLAND RD  
EUGENE, OR 97401

This superseding permit is issued to describe an amendment for change point of diversion proposed under Permit Amendment Application T-13873 and approved by Special Order Vol. 127, Page 98, entered December 5, 2022, an extension of time for complete application approved October 15, 2021, and an assignment, approved November 20, 2012. This permit supersedes Permit R-15180.

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

APPLICATION FILE NUMBER: R-84459

SOURCE OF WATER: BEAR CREEK, A TRIBUTARY OF BRIDGE CREEK AND BRIDGE CREEK, A TRIBUTARY OF JOHN DAY RIVER

STORAGE FACILITY: PAINTED HILLS RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH LIFE

MAXIMUM VOLUME: 500.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: APRIL 1 THROUGH APRIL 14

DATE OF PRIORITY: JUNE 21, 2000

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	20 E	WM	25	NE SW	1620 FEET NORTH AND 240 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 25

**POINTS OF DIVERSION:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	20 E	WM	35	SW NE	POD #1 (BEAR CREEK) - 2550 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER OF SECTION 35
10 S	21 E	WM	31	SE SE	POD 3 (BRIDGE CREEK) - 160 FEET NORTH AND 1850 FEET EAST FROM THE S1/4 CORNER OF SECTION 31

**THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:**

Twp	Rng	Mer	Sec	Q-Q
10 S	20 E	WM	25	NE SW
10 S	20 E	WM	25	NW SW
10 S	20 E	WM	25	SW SW
10 S	20 E	WM	25	SE SW
10 S	20 E	WM	25	NW SE
10 S	20 E	WM	25	SW SE
10 S	20 E	WM	26	SE SE
10 S	20 E	WM	35	NE NE
10 S	20 E	WM	36	NW NE
10 S	20 E	WM	36	NE NW
10 S	20 E	WM	36	NW NW
10 S	20 E	WM	36	SE NW

**Permit Amendment T-13873 Conditions:**

The combined quantity of water diverted at the new point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (POD #2 (Bridge Creek)).

Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.

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 point of diversion (new and existing).



- 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 use measurement conditions:

- a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
- b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.
- c. The water user shall allow the Watermaster access to the devices; provided however, where any device is located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same surface water source as the original point of diversion.

Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

**Extension of Time Conditions:**

**Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2025. A form will be enclosed with your Final Order.

- (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.

**Measurement devices, and recording/reporting of annual water storage conditions**

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

The permittee shall install and maintain gaging stations with real time access. Operation of the gaging station shall occur during April 1 through April 14 of each year.



The permittee shall measure the total storage capacity on a weekly basis and shall submit the information to the Watermaster within two days after April 1, April 7 and April 14 of each year. The report shall include the volume stored (in acre-feet) on April 1 and April 14, and the average cubic feet per second diversion from each creek on a daily basis.

The permittee shall also measure the total storage capacity of the reservoir on a monthly basis outside the allowed storage period. This information shall be submitted to the Watermaster on a regular basis as required by the Watermaster.

No water shall be stored until the Department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from the Department.

### **STANDARD CONDITIONS**

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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.

If the riparian area is disturbed in the process of developing a point of diversion, 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 the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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.

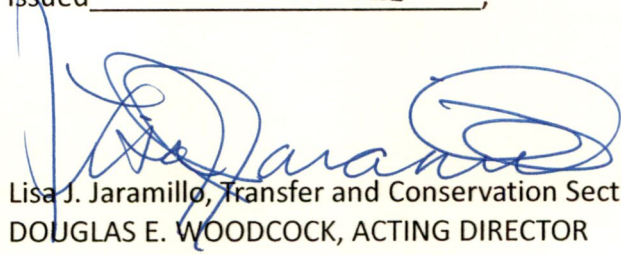
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The original permit was issued July 29, 2016. Construction of the water system was to begin within five years of the date of the original permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

The original permit was issued July 29, 2016. The permitted volume of water shall be stored within five years of the date of the original permit issuance. By Extension of Time Final order dated October 15, 2021, the deadline to store the permitted volume of water was extended to July 29, 2026. If additional time is needed, 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 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 DEC 05 2022;



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department