

STATE OF OREGON

COUNTY OF WHEELER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

BRIDGE CREEK RANCH LLC
PO BOX 10127
EUGENE OR 90127

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

APPLICATION FILE NUMBER: S-88820

SOURCE OF WATER: PAINTED HILLS RESERVOIR, CONSTRUCTED UNDER PERMIT R-15180, TRIBUTARY TO BRIDGE CREEK

PURPOSE OR USE: FISH LIFE

PERIOD OF USE: JUNE 1 THROUGH SEPTEMBER 15

DATE OF PRIORITY: MAY 21, 2020

VOLUME AND RATE OF RELEASE FOR – BRIDGE CREEK:

Normal Year Release		
Period of Release	June 15 — July 15 (up to 31 days)	July 16 — August 15 (up to 31 days)
Maximum Volume Released in Each Period	93.75 ACRE-FEET	21.25 ACRE-FEET
Rate of Release (CFS) (+/- 20%)	1.52 CFS	0.34 CFS

Dry Year Release		
Period of Release	June 1 — July 15 (up to 45 days)	July 16 — August 5 (up to 21 days)
Maximum Volume Released in Each Period	93.75 ACRE-FEET	21.25 ACRE-FEET
Rate of Release (+/- 20%)	1.05 CFS	0.51 CFS

VOLUME/RATE OF RELEASE – BEAR CREEK:

ALL WATER YEAR TYPES	
Period of Release	June 1-September 15 (101 days)
Maximum Volume Released in Each Period	10.0 ACRE-FEET
Rate of Release (+/- 20%)	0.05 CFS

AUTHORIZED POINT OF RELEASE (POR):

POR Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POR 1 – BRIDGE CREEK	10 S	20 E	WM	25	NE SW	3090 FEET SOUTH AND 2540 FEET EAST FROM NW CORNER, SECTION 25
POR 2 – BEAR CREEK	10 S	20 E	WM	25	NW NW	1310 FEET SOUTH AND 1080 FEET EAST FROM NW CORNER, SECTION 25

AUTHORIZED POINTS OF DIVERSION (POD):

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	10 S	20 E	WM	25	NE SW	3640 FEET SOUTH AND 2450 FEET EAST FROM NW CORNER, SECTION 25
POD 2	10 S	20 E	WM	25	NE SW	3620 FEET SOUTH AND 2590 FEET EAST FROM NW CORNER, SECTION 25

AUTHORIZED PLACE OF USE/ PROTECTED REACHES: FROM THE POINT OF RELEASE IN BEAR CREEK TO THE CONFLUENCE WITH BRIDGE CREEK AND FROM POINT OF RELEASE IN BRIDGE CREEK TO THE CONFLUENCE WITH THE JOHN DAY RIVER

1. **Water Use Measurement, Recording, and Reporting Condition:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of release. The device shall be approved by the Watermaster prior to installation. The permittee shall maintain the 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 permittee shall keep a complete record of the volume of water released each month, and shall submit a report which includes water-use measurements to the Department by **December 31** of each year, or more frequently as may be required by the Director.
- D. The permittee shall notify the Department of the determination of the water year type (Dry/Normal) for the Bridge Creek releases by **June 1** of each year. 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.

- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Fish Screen/Passage Condition:

The water user shall install, maintain, and operate fish screening and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards at each point of diversion from the reservoir. Fish screening is to prevent fish from entering the proposed points of diversion from the reservoir, while passage devices provide adequate upstream and downstream passage for fish. The required screen and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

3. Water Temperature Condition:

The permittee shall collect water temperature data for the first five years of the project operation to determine if and when the temperature of released water is greater than the receiving stream's water temperature. Hourly water temperature data shall be collected from Bridge Creek both upstream and downstream of the discharge point and from the reservoir outflow pipe during the release period.

The data shall be submitted by the end of each calendar year to ODFW and Oregon Department of Environmental Quality (DEQ) for analysis. If the 5 years of data indicate that there are repeated instances when the released water is warmer than Bridge Creek water (based on daily maximum and average values), ODFW and DEQ will notify the Department of the findings and work with the Department to determine a revised release strategy for the Required 25 Percent Instream Flow Protection requirement. This revised release strategy shall remain in the permit and subsequent certificate for the life of the project funded under the Water Supply Development Grant and Loan Program.

4. Water Quality Condition:

If the use is restricted under Permit R-15180 due to the quality of the source stream or downstream waters decreasing to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows, the Department will consult with ODFW and DEQ to determine a revised schedule for the Required Instream Flow Protection (RIFP) requirement that best protects instream uses with regards to sensitive, threatened, and endangered species.

5. Release Condition:

If the permittee no longer needs to release flows into Bear Creek to support riparian plantings, the permittee is allowed to release the full volume of the RIFP into Bridge Creek.

If the full volume of water is released into Bridge Creek, the permittee shall notify the Watermaster in writing by **June 1** of any given year. The original release timing and rates can be re-instated with written notice to the watermaster.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Construction of the water system shall begin within five years of the date of 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.
7. Complete 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.
8. Within one year after making complete application 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 OCT 28 2020



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