



Oregon

Kate Brown, Governor

Water Resources Department

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April 25, 2016

John Schmitz and
Lori Klinge Schmitz
28262 S Meridian Road
Aurora, OR 97002

Re: Split a Permit Application T-12262

Enclosed please find the Proposed Final Order proposing approval of the application to Split a Permit and Request for Issuance of Replacement Permits. Also enclosed are copies of the draft replacement permits.

Subsequent to the mailing of this Proposed Order, notice of the application will be published in the Department's weekly notice on April 26, 2016. This public notice will initiate a 45 day protest period. If no protests are filed, the Department will issue a final order and replacement permits consistent with the Proposed Final Order.

Please do not hesitate to contact me at 503-986-0881 or teri.k.hranac@wrdd.state.or.us, if you should have any questions or concerns.

Sincerely,

Teri Hranac
Transfer and Conservation Section

Enclosures

cc w/enc.: Doann Hamilton, 18487 S. Valley Vista Rd., Mulino, OR 97042
Vasily and Marina Sharabarin, 6363 Zimmerman Rd, Aurora, OR 97002
Joel Plahn, District #16 Watermaster (*via email*)



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit 13811, Clackamas	)	PROPOSED FINAL ORDER
County	)	APPROVING ASSIGNMENT OF
	)	WATER RIGHT PERMIT AND
	)	ISSUANCE OF REPLACEMENT
	)	WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use, to assign all or part of the water right permit and to issue a replacement permit to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicant

JOHN SCHMITZ AND
LORI KLINGE SCHMITZ
28262 S. MERIDIAN RD
AURORA, OR 97002

Findings of Fact

Background

1. On February 1, 2016, JOHN SCHMITZ AND LORI KLINGE SCHMITZ filed an application for partial assignment of Water Right Permit G-13811 and requested issuance of two replacement permits. The Department assigned the application number T-12262.
2. On February 16, 2016, the agent for the Schmitz submitted an amended application map.
3. On September 30, 2004, the Department issued an order approving Permit Amendment T-9759 changing the point of appropriation for a portion of the water right, recorded at Special Order Volume 61, Page 640.
4. On May 2, 2006, the Department approved a partial assignment of the permit to Earl Klinge.
5. On July 9, 2009, the Department approved an assignment of a portion of Permit G-13811 from Earl Klinge to John and Lori Schmitz.

Pursuant to OAR 690-325-0100, any person may file a protest or standing statement within 45 days after the date of publication of notice of this Proposed Final Order.
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6. On October 23, 2013, the Department approved an assignment of Permit Amendment T-9759 to John Schmitz.

7. The Department has approved numerous requests for extensions of time to complete application of water for beneficial use:

Order Date	Completion Date
8/9/2007	10/1/2008
5/25/2010	10/1/2013
3/14/2014	10/1/2015
12/24/2015	10/1/2017

8. The Applicant identified the following landowners within the authorized place of use, who are not participating in the request for assignment:

Marina and Vasily Sharabarin, 6363 Zimmerman Rd., Aurora, OR 97002

9. The Permit to be modified and assigned is as follows:

Permit: G-13811 in the names of Vasily and Marina Sharabarin and John Schmitz and Lori Klinge Schmitz (as modified by Permit Amendment T-9759)
Use: IRRIGATION of 35.26 ACRES
Priority Date: JUNE 30, 1999
Quantity: 0.441 CUBIC FOOT PER SECOND
Rate/Duty: 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.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: 5 WELLS within the PUDDING RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	30	NW NW	WELL 1: 1010 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	NW NW	WELL 3: 1050 FEET SOUTH AND 360 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SW NW	WELL 4: 1409 FEET SOUTH AND 612 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SW NW	WELL 5: 1600 FEET SOUTH AND 675 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SE NW	WELL 2: 1600 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well ID
4 S	1 E	WM	30	NE NW	5.56	1, 2 & 3
4 S	1 E	WM	30	NE NW	1.14	1, 2, 4 & 5
4 S	1 E	WM	30	NW NW	10.20	1, 2 & 3
4 S	1 E	WM	30	NW NW	6.56	1, 2, 4 & 5
4 S	1 E	WM	30	SW NW	0.12	1, 2 & 3
4 S	1 E	WM	30	SW NW	7.58	1, 2, 4 & 5

Twp	Rng	Mer	Sec	Q-Q	Acres	Well ID
4 S	1 E	WM	30	SE NW	2.63	1, 2 & 3
4 S	1 E	WM	30	SE NW	1.47	1, 2, 4 & 5
Total					35.26	

10. The Applicants request Permit G-13811 be split and replacement permits be issued as follows:

Permit A: JOHN SCHMITZ AND LORI KLINGE SCHMITZ

Use: IRRIGATION of 20.07 ACRES

Priority Date: JUNE 30, 1999

Quantity: 0.251 CUBIC FOOT PER SECOND

Rate/Duty: 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.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: 5 WELLS within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	30	NW NW	WELL 1: 1010 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	NW NW	WELL 3: 1050 FEET SOUTH AND 360 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SW NW	WELL 4: 1409 FEET SOUTH AND 612 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SW NW	WELL 5: 1600 FEET SOUTH AND 675 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SE NW	WELL 2: 1600 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well ID
4 S	1 E	WM	30	NE NW	0.52	1, 2 & 3
4 S	1 E	WM	30	NE NW	1.14	1, 2, 4 & 5
4 S	1 E	WM	30	NW NW	2.61	1, 2 & 3
4 S	1 E	WM	30	NW NW	6.56	1, 2, 4 & 5
4 S	1 E	WM	30	SW NW	0.12	1, 2 & 3
4 S	1 E	WM	30	SW NW	7.58	1, 2, 4 & 5
4 S	1 E	WM	30	SE NW	0.07	1, 2 & 3
4 S	1 E	WM	30	SE NW	1.47	1, 2, 4 & 5
Total					20.07	

Permit B: VASILY AND MARINA SHARABARIN

Use: IRRIGATION of 15.19 ACRES

Priority Date: JUNE 30, 1999

Quantity: 0.19 CUBIC FOOT PER SECOND

Rate/Duty: 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.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: 3 WELLS within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	30	NW NW	WELL 1: 1010 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	NW NW	WELL 3: 1050 FEET SOUTH AND 360 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SE NW	WELL 2: 1600 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	30	NE NW	5.04
4 S	1 E	WM	30	NW NW	7.59
4 S	1 E	WM	30	SE NW	2.56
Total					15.19

11. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on March 22, 2016, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

Split a Permit Review Criteria

12. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Sec	Q-Q	Tax Lot
Marina Sharabarin	5.61	.07	4S	1E	30	NE NW	900
			4S	1E	30	SE NW	900
Marina Sharabarin	9.58	.12	4S	1E	30	NW NW	1002
			4S	1E	30	NE NW	1002
Totals	15.19	0.19					

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Sec	Q-Q	Tax Lot
John and Lori Schmitz	4.06	.051	4S	1E	30	NW NW	901
			4S	1E	30	NE NW	901
			4S	1E	30	SE NW	901
			4S	1E	30	SW NW	901
John and Lori Schmitz	16.01	.20	4S	1E	30	NW NW	1001
John and Lori Schmitz			4S	1E	30	SW NW	1001
Totals	20.07	0.251					

13. The deed supplied with the application, matches the property proposed for assignment. OAR 690-325-0070(1)(b).
14. The applicant affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit. OAR 690-325-0070(1)(c).
15. The assignment and issuance of replacement permits, as outlined in the Findings of Fact above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
16. The assignment and issuance of replacement permits, as outlined in the Findings of Fact above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
17. The assignment and issuance of replacement permits does not alter any other terms of Permit # G-13811.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12262 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If no protests are filed, an Order will be issued which will include the following:

Now, therefore, it is ORDERED:

1. *The assignment and issuance of replacement permits proposed by Application T-12262 are approved.*
2. *Permit G-13811, names of Vasily and Marina Sharabarin and John Schmitz and Lori Klinge Schmitz, is cancelled. Permit G-17554, in the names of John Schmitz and Lori Klinge Schmitz, and Permit G-17555 in the names of Vasily and Marina Sharabarin, are issued to supersede Permit G-13811.*
3. *All other terms and conditions under Permit G-13811 are incorporated into Permits G-17554 and G-17555.*

Dated at Salem, Oregon this 22nd day of April, 2016.


Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

APR 25 2016
Mailing Date: _____

Protest Rights:

A record landowner, an applicant, an assignee, an affected water right permit holder, or other interested person may protest the Proposed Final Order. Pursuant to OAR 690-325-0100, protests must: 1) provide a detailed explanation of why the proposed order does not conform with the criteria under ORS 537.225, and a description of the changes to the order that are necessary to correct the nonconformity; and 2) raise all reasonably ascertainable issues at the time the protest is filed. The issues must directly pertain to whether the replacement water right permits are authorized under and in conformance with ORS 537.225. In addition, protests must be accompanied by the appropriate protest fees. Protests must be received by the Department no later than 45 days after the notice is published in the Department's weekly notice. If no protests are filed, the Department will issue a final order consistent with the Proposed Final Order.

The Proposed Final Order may be viewed free of charge online at:

<http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Persons interested in receiving a copy of a Proposed Final Order must pay a statutorily-required fee of \$25. Any person paying \$25 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.

Notice Regarding Servicemembers: Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN SCHMITZ AND LORI KLINGE SCHMITZ
28262 S. MERIDIAN RD
AURORA, OREGON 97002

This superseding permit is issued to describe a Split a Permit, approved by Special Order Volume 10_, Page ___, entered on June ___, 2016; an amendment for additional points of diversion under Permit Amendment Application T-9759, approved by Special Order Volume 61, Page 640, entered on September 30, 2004; to describe extensions of time for complete application of water approved August 9, 2007, May 25, 2010, March 14, 2014, and December 24, 2015; and partial assignments of Permit G-13811 approved May 2, 2006, and July 9, 2009; and a partial assignment of Permit Amendment T-9759 approved October 23, 2013. This permit, together with Permit G-17555, supersedes Permit G-13811.

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

APPLICATION FILE NUMBER: G-15003

SOURCE OF WATER: 5 WELLS IN PUDDING RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 20.07 ACRES

MAXIMUM RATE: 0.251 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 30, 1999

AUTHORIZED POINTS OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	30	NW NW	WELL 1: 1010 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	NW NW	WELL 3: 1050 FEET SOUTH AND 360 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SW NW	WELL 4: 1409 FEET SOUTH AND 612 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SW NW	WELL 5: 1600 FEET SOUTH AND 675 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SE NW	WELL 2: 1600 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF SECTION 30

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 PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well ID
4 S	1 E	WM	30	NE NW	0.52	1, 2 & 3
4 S	1 E	WM	30	NE NW	1.14	1, 2, 4 & 5
4 S	1 E	WM	30	NW NW	2.61	1, 2 & 3
4 S	1 E	WM	30	NW NW	6.56	1, 2, 4 & 5
4 S	1 E	WM	30	SW NW	0.12	1, 2 & 3
4 S	1 E	WM	30	SW NW	7.58	1, 2, 4 & 5
4 S	1 E	WM	30	SE NW	0.07	1, 2 & 3
4 S	1 E	WM	30	SE NW	1.47	1, 2, 4 & 5
TOTAL					20.07	

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedure for review and approval.

No water may be appropriated under the terms of this permit from Well 2 until the permittee has demonstrated, to the satisfaction of the Department, that Well 2 does not have the potential for substantial interference with the Unnamed Tributary of Bear Creek per OAR 690-009-0040.

The combined quantity of water diverted at the new points of appropriation (Wells 4 and 5), together with that diverted at the old point of appropriation (Well 3), shall not exceed the proportionate maximum rate and duty allowed under Permit G-13811.

The water for Wells 4 and 5 shall be acquired from the same aquifer as the original point of appropriation (Well 3).

If the number, location or construction of the wells deviate from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised or this permit may not be valid.

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 wells 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.

To monitor the effect of water use from the wells authorized under this permit. The Department requires the water user to make 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 Static Water Level 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 Static Water Level 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 submitted to the Department.

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

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

The period of non or restricted use shall continue until the annual 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.

STANDARD CONDITIONS

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.

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

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.

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.

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 finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original permit was issued April 18, 2000. Actual construction work was to begin on or before April 13, 2001. By an Extension of Time Final Order dated December 24, 2015, the deadline for completing construction and for complete application of water to use was extended to **October 1, 2017**. 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 June ____, 2016.

DRAFT

Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VASILY AND MARINA SHARABARIN
6363 ZIMMERMAN RD
AURORA, OREGON 97002

This superseding permit is issued to describe a Split a Permit, approved by Special Order Volume 10_, Page ___, entered on June ___, 2016; an amendment for additional points of diversion under Permit Amendment Application T-9759, approved by Special Order Volume 61, Page 640, entered on September 30, 2004; to describe extensions of time for complete application of water approved August 9, 2007, May 25, 2010, March 14, 2014, and December 24, 2015; and partial assignments of Permit G-13811 approved May 2, 2006, and July 9, 2009; and a partial assignment of Permit Amendment T-9759 approved October 23, 2013. This permit, together with Permit G-17554, supersedes Permit G-13811.

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

APPLICATION FILE NUMBER: G-15003

SOURCE OF WATER: 3 WELLS IN PUDDING RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 15.9 ACRES

MAXIMUM RATE: 0.19 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 30, 1999

AUTHORIZED POINTS OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	30	NW NW	WELL 1: 1010 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	NW NW	WELL 3: 1050 FEET SOUTH AND 360 FEET EAST FROM THE NW CORNER OF SECTION 30
4 S	1 E	WM	30	SE NW	WELL 2: 1600 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF SECTION 30

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 PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	30	NE NW	5.04
4 S	1 E	WM	30	NW NW	7.59
4 S	1 E	WM	30	SE NW	2.56
TOTAL					15.19

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedure for review and approval.

No water may be appropriated under the terms of this permit from Well 2 until the permittee has demonstrated, to the satisfaction of the Department, that Well 2 does not have the potential for substantial interference with the Unnamed Tributary of Bear Creek per OAR 690-009-0040.

If the number, location or construction of the wells deviate from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised or this permit may not be valid.

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.

To monitor the effect of water use from the wells authorized under this permit. The Department requires the water user to make 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 Static Water Level 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 Static Water Level 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 submitted to the Department.

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

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

The period of non or restricted use shall continue until the annual 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.

STANDARD CONDITIONS

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.

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

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.

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.

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 finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original permit was issued April 18, 2000. Actual construction work was to begin on or before April 13, 2001. By an Extension of Time Final Order dated December 24, 2015, the deadline for completing construction and for complete application of water to use was extended to **October 1, 2017**. 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 June ____, 2016.

DRAFT

Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR