



**ORDER**

Application R-88807 is approved. A permit consistent with the attached draft permit shall be issued upon approval of Application G-18915.

DATED **FEB 18 2022**



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

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- If you have any questions about statements contained in this document, please contact Kim French at [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov) or 503-979-3168.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503 986-0900.
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DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DAVID WELSH  
STACY WELSH  
PO BOX 587  
DIABLO CA 94528

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

APPLICATION FILE NUMBER: R-88807

SOURCE OF WATER: WELL 1 (DESC 51137), TO BE APPROPRIATED UNDER APPLICATION G-18915, IN DESCHUTES RIVER BASIN

STORAGE FACILITIES: POND 1, POND 2, POND 3

MAXIMUM DAM HEIGHT: THE RESERVOIRS ARE ENTIRELY BELOW GROUND SURFACE; THERE ARE NO DAMS.

PURPOSE OR USE OF THE STORED WATER: WILDLIFE, FIRE PROTECTION, RECREATION AND AESTHETICS

MAXIMUM VOLUME: 9.6 ACRE-FEET (AF), BEING 9.0 AF IN POND 1, 0.3 AF IN POND 2 AND 0.3 AF IN POND 3w

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: FEBRUARY 12, 2020

AUTHORIZED POINT OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	1	SW NE	55 FEET NORTH AND 20 FEET EAST FROM C1/4 CORNER, SECTION 1

POND LOCATIONS:

POND Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POND 1	17 S	11 E	WM	1	SW NE	150 FEET NORTH AND 230 FEET EAST FROM THE C1/4 CORNER, SECTION 1
POND 2	17 S	11 E	WM	1	NW SE	75 FEET SOUTH AND 485 FEET EAST FROM THE C1/4 CORNER, SECTION 1

POND Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POND 3	17 S	11 E	WM	1	NW SE	240 FEET SOUTH AND 655 FEET EAST FROM THE C1/4 CORNER, SECTION 1

**THE AREA TO BE SUBMERGED BY THE RESERVOIRS:**

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	1	SW NE
17 S	11 E	WM	1	NW SE

**PERMIT SPECIFIC 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. **Water Use Measurement, Recording, and Reporting:**
  - 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 shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. 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 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, the periods of water use and 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.

**RESERVOIR CONDITIONS**

1. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
2. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

### STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.

### DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. 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.
2. The permitted volume of water shall be stored within five years of the date of permit issuance. 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.
3. Within one year after storage 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 \_\_\_\_\_

**DRAFT - THIS IS NOT A PERMIT**

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Thomas M. Byler, Director  
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