

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUELL RED PRAIRIE WATER DISTRICT
PO BOX 367
SHERIDAN OR 97378

confirms the right to use the waters of GOOSENECK CREEK for GROUND WATER RECHARGE.

This right was perfected under Permit 51165. The date of priority is JUNE 8, 1984. The use is limited to the period October 1 through May 31, not more than 75.0 GALLONS PER MINUTE, and not to exceed 61.0 ACRE-FEET each recharge period/year, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	7 W	WM	35	SE SW	NORTH 39 DEGREES, 14 MINUTES WEST, 800 FEET FROM S1/4 CORNER, SECTION 35

The water user shall appropriate water from Gooseneck Creek only when the following instream flows in cubic feet per second are maintained at the mouth of Gooseneck Creek:

<u>OCTOBER</u>	<u>NOVEMBER THROUGH MAY</u>
1.0	10.0

The water user shall maintain an in-line flow meter, weir or other suitable measuring device, of type and at the location approved by the watermaster, for measuring or recording the above instream flows.

The place of use is the recharge well that is located as follows:

Twp	Rng	Mer	Sec	Q-Q
6 S	7 W	WM	35	SW SE

This right is also subject to the following conditions:

1. Meters: The water user shall meter the water withdrawn at the diversion and the water injected into the recharge well shall be metered.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

2. Records, inspections: The water user shall keep accurate and current records of daily metered values, water levels and other operational information. The Water Resources Director (Director) may inspect the records and works cover by this right upon one day notice and at any reasonable time.
3. Estimated data: When data are missing in whole or in part, the Director may make estimates from available data. Those estimates shall be reasonable and, where range of uncertainty exists, conservatively low on water delivered to the place of recharge.
4. Water level monitoring: Once each year between April 1 and June 1, the water user shall measure and record the depth to water below land surface in each of the following wells to 1 foot accuracy. Prior to the determinations, recharge and pumping shall be suspended by the water user for at least seven days. Two of the wells are not controlled by the district identified as the certificate holder; however the water user shall attempt to cooperate with the other owners to obtain these measurements.

<u>Well Location</u>	<u>Common Name</u>	<u>Remarks</u>
T6S/R7W-35db	Buell-Red Prairie #1	
T6S/R7W-35da	Buell-Red Prairie #2	
T6S/R7W-35dc	Recharge Well	
T6S/R7W-35ca	Mike Propes Well	Not Controlled by District
T6S/R7W-35db	Villager Well	Not Controlled by District

5. Target water levels in key wells: This right designates two existing wells as key wells in the water level monitoring program. As determined between April 1 and June 1 of each year, actual water levels at these wells shall be compared to the target levels to determine allowable use as indicated under the allowable use of stored water condition. Key wells and associated target levels are:

Target Levels
(feet below Land Surface Datum)

<u>Well Location</u>	<u>Common Name</u>	<u>Upper</u>	<u>Lower</u>
T6S/R7W-35db	Buell-Red Prairie #1	55	125
T6S/R7W-35dc	Recharge Well	15	50

6. Storage account for the determination of stored recharge water: The Water Resources Department (WRD) shall make final determinations on stored groundwater. This shall occur through a storage account which covers this right. The storage account shall be based on recharge and secondary rights withdrawals over only the preceding five recharge years. For this right, the recharge year is the period from June 1 through May 31 of each year. It shall be credited at 80% of water metered to the place of recharge. Withdrawls of stored water shall be debited at 100% of metered values at wells covered by secondary right(s). The debit applies to that portion of withdrawals which are in excess of the water user's natural water pumpage of 5 million gallons annually under right G-8748. The water user may obtain information on the storage account from the WRD by submitting a written request.
7. Allowable use of stored recharge water: The availability of recharge water stored under this right is based on the priority of secondary groundwater rights and the allowable use of stored recharge water. The allowable use of stored recharge water during any water year falls into 3 categories. For ease of reference, these categories are named as color zones.
 - (A) Green zone: If recent water levels as determined between April 1 and June 1 at the two (2) key wells are above the upper target levels, use is allowed up to the maximum of the storage account.
 - (B) Yellow zone: If neither the Green zone nor Red zone water levels prevail, use is allowed up to 80 percent of the recharge volume for the preceding 12 months.

(C) Red zone: If recent water levels as determined between April 1 and June 1 at two (2) key wells are below the lower target levels, no use of recharged water is allowed the following recharge year.

8. A potential operator, other than the District, shall prove, to the Director's satisfaction, the financial capability to operate the project authorized by the right.

9. Mitigating unforeseen effects:

(A) If, under actual operation of the recharge project, the Director notifies the water user that the Director has reason to believe there are adverse groundwater quantity or quality effects, the water user shall cease recharge activities. No further diversion shall be made until measures to prevent, correct, or monitor the adverse effects have been agreed to and implemented.

(B) If, in the judgment of the Director, project performance or other hydrologic circumstances indicate that provision(s) in this right are an unnecessary hardship, or are either inappropriate or inadequate to monitor or manage the quantity or protect the quality of the groundwater resource, the Director may modify target water levels, key wells, the storage account credit factor, the storage account, or any other term of this right as necessary to remedy the deficiencies.

10. Technical oversight: The operation of the recharge project shall be overseen by a professional registered civil engineer(s) licensed to practice in Oregon.

11. Other state or federal agency requirements:

The following conditions are notices of requirements of other Oregon state agencies. The water user shall correspond directly with each agency regarding monitoring, reporting and any other requirements. Reports shall only be submitted to the requiring agency, unless otherwise specified herein.

The WRD will enforce these conditions in a manner similar to other conditions in this right but only upon notice of noncompliance and request for enforcement from the responsible agencies.

Conditions 11(A) and (B) shall remain in effect unless and until WRD receives a written agreement signed by the water user and responsible agencies to modify the conditions.

(A) The water user shall comply with the requirements of the Oregon State Health Division.

(B) The water user shall provide appropriate groundwater quality protection as specified by the Oregon Department of Environmental Quality (DEQ). The DEQ monitoring and sampling plan for this project was submitted to the WRD by letter of January 18, 1991; and is, by reference, included as part of this right.

12. Annual and other reports:

(A) The water user shall submit an annual report to the WRD and any secondary water user by June 15 of each year. That report shall include the range of diversion and recharge rates and total quantities diverted and recharged during the prior recharge year (ending May 31) as metered under conditions 1, 2, and 3. In addition, the report shall include the water level data from condition 4, the water users estimate of the storage account under condition 6, a brief narrative describing operational factors related to the recharge project and conditions 8, 9, 10 and a list of the dates of any reports submitted to other agencies under condition 11.

(B) The water user shall submit, as scheduled, any reports required by other agencies as specified under Condition 11.

This right is for the beneficial use of water without waste.

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 wells shall be maintained 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 to determine the water level elevation in the wells at all times.

Issued JAN 27 2012



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department