

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRANK LUMBER CO., INC.
DRAWER 79
MILL CITY, OREGON 97360

503-897-2371

to use the waters of ONE WELL in the LITTLE PUDDING RIVER BASIN for IRRIGATION OF 280.0 ACRES.

This permit is issued approving Application G-12147. The date of priority is JUNE 15, 1990. The use is limited to not more than 3.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 12, T 8 S, R 2 W, W.M.; 1820 FEET NORTH AND 1370 FEET WEST FROM SE CORNER, SECTION 12.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the proposed place of use under the permit is as follows:

NW 1/4 SW 1/4 18.0 ACRES
SW 1/4 SW 1/4 40.0 ACRES
SECTION 7

NW 1/4 NW 1/4 40.0 ACRES
SW 1/4 NW 1/4 40.0 ACRES
NW 1/4 SW 1/4 20.0 ACRES
SECTION 18

TOWNSHIP 8 SOUTH, RANGE 1 WEST, W.M.

NE 1/4 SE 1/4 18.0 ACRES
NW 1/4 SE 1/4 2.0 ACRES
SW 1/4 SE 1/4 3.0 ACRES
SE 1/4 SE 1/4 40.0 ACRES
SECTION 12

NE 1/4 NE 1/4 27.0 ACRES
SE 1/4 NE 1/4 20.0 ACRES
NE 1/4 SE 1/4 12.0 ACRES
SECTION 13

TOWNSHIP 8 SOUTH, RANGE 2 WEST, W.M.

"CERTIFICATE NO. 72232"

The water user shall report March static water levels in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer. Failure to report this annual measurement shall invalidate use under this permit.

Use of water from the well shall not be allowed under this permit if the well displays (A) an average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well was 67 feet below land surface on May 10, 1990. That is the level from which previously cited declines will be referenced.

The permittee shall submit a water level for the well at the time of the final proof survey.

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before SEPTEMBER 17, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, SEPTEMBER 17, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director