

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BLACK BUTTE RANCH CORPORATION and,  
BLACK BUTTE RANCH ASSOCIATION  
P.O. BOX 8000  
BLACK BUTTE RANCH, OREGON 97759

503-595-1253

to use the waters of TWO WELLS in the SQUAW CREEK BASIN for QUASI-MUNICIPAL USE.

This permit is issued approving Application G-12711. The date of priority is NOVEMBER 18, 1991. The use is limited to not more than 4.8 CUBIC FEET PER SECOND (CFS), BEING 2.7 CFS FROM WELL 1 AND 2.1 CFS FROM WELL 2, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SW 1/4 SW 1/4, SECTION 9, SE 1/4 NE 1/4, SECTION 16, T 14 S, R 9 E, W.M.; WELL 1 - 4800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 9, WELL 2 - 1530 FEET SOUTH AND 1236 FEET WEST FROM THE NE CORNER OF SECTION 16.

The source of water allowed under this permit is limited to the water bearing zone approximately 300 feet below land surface at the proposed well locations.

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 this permit is as follows:

ALL  
SECTION 9  
W 1/2 NE 1/4  
NW 1/4  
N 1/2 SW 1/4  
SW 1/4 SW 1/4  
SECTION 10  
W 1/2  
SECTION 15  
E 1/2 NE 1/4  
SECTION 16  
NE 1/4  
E 1/2 NW 1/4  
NE 1/4 SW 1/4  
N 1/2 SE 1/4  
SECTION 21  
N 1/2 N 1/2  
SECTION 22  
NW 1/4 NW 1/4  
SECTION 23

TOWNSHIP 14 SOUTH, RANGE 9 EAST, W.M.

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.

Within one year from the date the Water Resources Commission adopts rules describing the schedules, standards and procedures for water conservation management plans by water suppliers, the permittee shall submit a plan which is consistent with said rules.

Within one year of permit issuance, the permittee shall prepare a plan/timetable for the Water Resources Commission which shall indicate the steps which the permittee intends to pursue to obtain a long-term water supply.

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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. 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.
- 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.

The permittee shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the permittee 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 permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 April 15, 1995 and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.

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.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, April 15, 1994.

/s/ A. REED MARBUT

Water Resources Department  
Martha O. Pagel  
Director