

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BURNS FARM TRUST
ROBERT E. BURNS TRUSTEE
P.O. BOX 10
AMITY, OREGON 97101

503-835-6702

to use the waters of WELLS 1, 2, AND 4 in the SOUTH YAMHILL RIVER BASIN for IRRIGATION OF 182.3 ACRES.

This permit is issued approving Application G-13182. The date of priority is NOVEMBER 10, 1992. The use is limited to not more than 0.77 CUBIC FOOT PER SECOND (CFS), BEING 0.19 CFS FROM WELL 1, 0.13 CFS FROM WELL 2, AND 0.45 CFS FROM WELL 4, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SE 1/4 NE 1/4, SE 1/4 NW 1/4, SW 1/4 SE 1/4, SECTION 9, NW 1/4 NE 1/4, SECTION 16, T 5 S, R 4 W, W.M.; WELL 1 - 2510 FEET SOUTH AND 3610 FEET WEST, WELL 4 - 2150 FEET SOUTH AND 540 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 9; WELL 2 - 550 FEET NORTH AND 2430 FEET WEST FROM THE SE CORNER OF SECTION 9.

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 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:

SW 1/4 NE 1/4	23.7	ACRES
SE 1/4 NE 1/4	22.7	ACRES
SE 1/4 NW 1/4	20.4	ACRES
NE 1/4 SW 1/4	26.5	ACRES
SE 1/4 SW 1/4	13.2	ACRES
NE 1/4 SE 1/4	19.0	ACRES
NW 1/4 SE 1/4	35.0	ACRES
SW 1/4 SE 1/4	10.8	ACRES

SECTION 9

SW 1/4 NW 1/4	6.2	ACRES
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SECTION 10

NW 1/4 NE 1/4	3.5	ACRES
SW 1/4 NE 1/4	0.5	ACRE
NE 1/4 NW 1/4	0.8	ACRE

SECTION 16

TOWNSHIP 5 SOUTH, RANGE 4 WEST, 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.

"CERTIFICATE NO. 76405"

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 procedures for review and approval.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) 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 PlaceInitial and Annual Measurements

The Department requires the permittee to submit 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 BegunSeven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of 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 that the user 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) An average water level decline of 3 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.

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 August 29, 1996 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 finds that the proposed use(s) of water described by this permit, as conditioned, would not impair or be detrimental to the public interest.

Issued this date, August 29, 1995.


 Water Resources Department
 Martha O. Pagel
 Director

Application G-13182
 Basin 2

Water Resources Department
 Volume 11 South Yamhill River & Misc.
 MGMT CODE 7DG, 7DR

PERMIT G-11881
 District 16