

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ARTHUR C. EBERT JR. AND JUDY L EBERT
9751 S.E. TELFORD ROAD
BORING, OREGON 97009-9405

503-663-6451

to use the waters of NORTH AND SOUTH WELLS in the JOHNSON CREEK BASIN for IRRIGATION OF 10.67 ACRES.

This permit is issued approving Application G-13234. The date of priority is DECEMBER 31, 1992. The use is limited to not more than 0.13 CUBIC FEET PER SECOND (CFS); BEING 0.08 CFS FROM NORTH WELL AND 0.05 CFS FROM SOUTH WELL, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 25, T 1 S, R 3 E, W.M.; SOUTH WELL - 1128 FEET SOUTH AND 117 FEET WEST; NORTH WELL - 773 FEET SOUTH AND 182 FEET EAST, BOTH FROM THE C 1/4 CORNER OF SECTION 25.

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:

	<u>NORTH WELL</u>	<u>SOUTH WELL</u>
NE 1/4 SW 1/4	2.8 ACRES	0.50 ACRES
SE 1/4 SW 1/4		4.10 ACRES
NW 1/4 SE 1/4	3.2 ACRES	0.03 ACRES
SW 1/4 SE 1/4		0.04 ACRE

SECTION 25
TOWNSHIP 1 SOUTH, RANGE 3 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.

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.

South well (existing). If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

North Well (new well). The water user shall report a March static water level in the well(s) 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, professional engineer, licensed water well driller, licensed pump installer, licensed land surveyor or the permittee/appropriator.

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) 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(s) are those of the initial March static report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The source of water allowed to be appropriated from the North Well is limited to the Troutdale groundwater reservoir between 100 and 300 feet below land surface at the well.

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 DECEMBER 12, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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, December 12, 1994.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

