

STATE OF OREGON

COUNTY OF HOOD RIVER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MT. HOOD MEADOWS, OREGON, LTD
PO BOX 470
MT. HOOD, OREGON 97041

(503)337-2222

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-12550

SOURCE OF WATER: A WELL WITHIN THE EAST FORK HOOD RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 0.11 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO NOT MORE THAN 0.055 CFS FOR EROSION CONTROL

PERIOD OF USE: AUGUST 1 THROUGH OCTOBER 31

DATE OF PRIORITY: May 23, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 3, T3S, R9E, W.M.; 850 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 3

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 28

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 33

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Water Resources Department

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SW 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 34

SW 1/4 SW 1/4

SECTION 35

TOWNSHIP 2 SOUTH, RANGE 9 EAST, W.M.

NW 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4

SECTION 2

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 3

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4

SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 4

NE 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 5

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 SE 1/4

SECTION 8

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 9

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 10

NE 1/4 NE 1/4
NW 1/4 NE 1/4

SW 1/4 NE 1/4
 SE 1/4 NE 1/4
 NE 1/4 NW 1/4
 NW 1/4 NW 1/4
 SW 1/4 NW 1/4
 SE 1/4 NW 1/4
 NE 1/4 SW 1/4
 NW 1/4 SW 1/4
 SW 1/4 SW 1/4
 SE 1/4 SW 1/4
 NE 1/4 SE 1/4
 NW 1/4 SE 1/4
 SW 1/4 SE 1/4
 SE 1/4 SE 1/4

SECTION 11

NE 1/4 NW 1/4
 NW 1/4 NW 1/4
 SW 1/4 NW 1/4

SECTION 14

NE 1/4 NE 1/4
 SE 1/4 NE 1/4

SECTION 15

NE 1/4 NE 1/4
 NW 1/4 NE 1/4
 SW 1/4 NE 1/4
 NE 1/4 NW 1/4
 NW 1/4 NW 1/4
 SE 1/4 NW 1/4

SECTION 16

TOWNSHIP 3 SOUTH, RANGE 9 EAST, W.M.

SPECIAL CONDITIONS

G1 The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon and shall further be constructed so as to appropriate water from a confined aquifer below the basalt encountered in the geothermal well beginning at 289 feet below land surface. The works shall be equipped with a usable access port and may also include an air line and pressure gage adequate to determine water level elevation in the well at all times.

G2 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 other approved measuring device in good working order.

G3 The permittee shall allow the watermaster access to the meter or measuring device. If the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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G4 The Director shall require the permittee to keep and maintain a record of the rate and duty of water diverted and shall require the permittee to report water use at least annually 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 this permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

G5 The permittee shall conduct or cause to be conducted static water level measurements in all water-producing zones encountered during drilling. In addition, one pump test shall be conducted within one week following completion of the well, and a second pump test shall be conducted no earlier than three months and no later than four months after completion of the well. The pump tests will be conducted to determine aquifer properties, presence of flow boundaries in the aquifer and well recovery characteristics. The tests shall be designed in consultation with Department staff. The results of the pump tests and static water level measurements shall be submitted to the Department no later than one month after the last pumping test and static water level measurements are conducted.

G6 The use of water for erosion control allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows. The use of water under this permit shall not have priority over instream water right Certificate 68457 (which superseded Certificate 59677), and no other preferences accorded municipal rights are applicable to this permit.

G7 The permittee shall comply with all applicable DEQ and EQC statutes, rules, policies and permits in the use of water under this permit. If the permittee's waste water discharge permit issued by the DEQ is amended or revoked, the Department may review and modify this permit to reflect changes in the DEQ permit. No changes shall be required in this water right permit unless consistent with the findings, conclusions and opinion granting this permit.

G8 A maximum of 0.055 cfs may be used under this permit for erosion control.

G9 From August 1 through October 31 for any year after the initial use of groundwater under this permit, the permittee shall discharge effluent from the waste water treatment plant beginning not earlier than 5:00 a.m. and continuing at a rate consistent with the NPDES permit, but not to exceed 0.11 cfs, until all effluent has been discharged, provided, however, that the permittee shall not be required to discharge effluent that does not meet the standards of the NPDES permit.

G10 Consistent with DEQ permit requirements and subject to its approval, monitoring and regulation, the permittee shall continue to operate the sewage treatment plant so as to maintain a minimum 90% return of waters used in the facilities which are tied to the sewage

treatment plant. The permittee shall maintain a recording flow meter with totalizer to measure effluent discharge from the waste water treatment plant, shall retain the records for not less than two years, and shall make such records available to the watermaster on request in a format adequate to address compliance with applicable conditions of this permit.

G11 The permittee shall obtain any necessary authorization, easement or special use permit and shall, under the supervision of the watermaster, purchase, install, operate and maintain to the watermaster's satisfaction, a recording device or devices at location(s) to be determined by the Department in consultation with the permittee and OREGON DEPARTMENT OF FISH AND WILDLIFE that enables measurement of and regulation to protect the instream water right on the East Fork Hood River. The installation shall be completed prior to use of water under this permit. The device or devices shall be operated from June 1 through October 31, unless the watermaster requests earlier or later operation after determining that operation will not result in undue risk to the facility. The permittee's obligation to pay for the operation and maintenance of the device or devices may be reduced to the extent of any contribution the Department may require in the future as a condition of any permit junior to this permit.

G12 This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

G13 Any use which is to be supplied water under this permit shall use the best available water-saving devices.

G14 Any impacts to wetlands providing water-related recreational opportunities or flows to water-dependent resources which result from the use of water as herein allowed shall be avoided or mitigated pursuant to the terms of the FEIS, ROD and special use permit issued by the USFS.

G15 The permittee's municipal water management and conservation plan must be approved by the Department prior to permittee's first diversion of water under this permit. The permittee shall comply with Commission rules found at OAR Ch. 690 Div. 86.

G16 At the request of the Department, the permittee shall obtain approval from the Department for a monitoring program. The permittee shall retain the services of a groundwater geologist licensed in Oregon and cause the geologist to submit a plan for monitoring groundwater and surface water to the Department for approval. The plan shall provide for a long-term monitoring program which shall be conducted in a manner that will assist the Department in detecting any interference with surface water.

G17 In the event the Water Resources Department determines that use from the well for erosion control interferes with a senior surface water

right, use from the well shall be regulated as surface water. Regulation may be initiated at any time and in any manner in order to assure protection of senior surface water rights, provided that prior to controlling the use of the well, the Department shall determine whether any control would provide relief to the surface water supply in an effective and timely manner.

STANDARD CONDITIONS

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

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.

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.

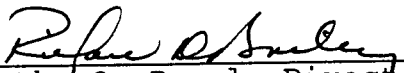
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Commission finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued April, 15, 1998


Martha O. Pagel, Director
Water Resources Department

Application G-12550
Basin 04
ALJ

Water Resources Department
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MGMT.CODE

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District 3