

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BUELL RED PRAIRIE WATER DISTRICT
6430 RED PRAIRIE ROAD
SHERIDAN, OREGON 97378

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12608

SOURCE OF WATER: ARTIFICIALLY RECHARGED GROUNDWATER STORED UNDER PERMIT 51165 DIVERTED FROM TWO WELLS IN GOOSENECK CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

RATE OF USE: 61.0 ACRE-FEET PER YEAR

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: JULY 12, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, NW 1/4 SE 1/4, SECTION 35, T6S, R7W, W.M.; WELL 2 - 2050 FEET NORTH & 480 FEET WEST; WELL 1- 1600 FEET NORTH & 1400 FEET WEST BOTH FROM SE CORNER OF SECTION 35

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4
SE 1/4
SECTION 32
SW 1/4
SE 1/4
SECTION 33

TOWNSHIP 5 SOUTH, RANGE 6 WEST, W.M.

SW 1/4
SECTION 34
TOWNSHIP 5 SOUTH, RANGE 6 WEST, W.M.

NW 1/4
SW 1/4
SECTION 3
ALL
SECTION 4
ALL
SECTION 5
ALL
SECTION 8

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ALL
SECTION 9
ALL
SECTION 10
NW 1/4
SW 1/4
SECTION 13
ALL
SECTION 14
ALL
SECTION 15
ALL
SECTION 16
ALL
SECTION 17
ALL
SECTION 18
ALL
SECTION 19
ALL
SECTION 20
ALL
SECTION 21
ALL
SECTION 22
ALL
SECTION 23
NW 1/4
SW 1/4
SECTION 24
ALL
SECTION 27
ALL
SECTION 28
ALL
SECTION 29
ALL
SECTION 30
ALL
SECTION 31
ALL
SECTION 32
ALL
SECTION 33
ALL
SECTION 34
ALL
SECTION 35
TOWNSHIP 6 SOUTH, RANGE 6 WEST, W.M.

ALL
SECTION 13

ALL
SECTION 24
ALL
SECTION 25
ALL
SECTION 35
ALL
SECTION 36
TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

ALL
SECTION 4
NE 1/4
SECTION 8
NE 1/4
NW 1/4
SECTION 9
TOWNSHIP 7 SOUTH, RANGE 6 WEST, W.M.

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.
- 1. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
 - 2. Meters: The permittee shall meter all withdrawals from wells covered by this permit and keep records and reports as described below.
 - 3. Water level monitoring: Once each year between April 1 and June 1, the permittee shall measure, to one foot accuracy, and record the depth to water below land surface in both wells.

4. The maximum annual diversion shall not exceed 61.0 acre-feet of artificially recharged ground water or a lesser amount as herein provided in condition #9 (Allowable Use of Stored Water).
5. Target water levels in key wells: Permit 51165 designates two existing wells as key wells in the water level monitoring program. As determined between April 1 and June 1 of each year, actual water levels at these wells shall be compared to the target levels to determine allowable use as indicated under the allowable use of stored water condition. Key wells and associated target levels are:

Target Levels

(feet below Land Surface Datum)

| <u>Well Location</u> | <u>Common Name</u> | <u>Upper</u> | <u>Lower</u> |
|----------------------|----------------------|--------------|--------------|
| T6S/R7W-35db | Buell-Red Prairie #1 | 25 | 125 |
| T6S/R7W-35dc | Recharge Well | 0 | 50 |

6. Estimated data: When metered or measured data are missing in whole or in part, the Director may make estimates from available data. Those estimates shall be reasonable and, where a range of uncertainty exists, conservatively low on water delivered to the place of recharge and conservatively high on withdrawals of stored water.
7. Records, inspections: The permittee shall keep accurate and current records of metered values, water levels and other pertinent information. The Director may inspect the records and works covered by this permit upon reasonable notice and at any reasonable time.
8. Annual report: The permittee shall keep accurate and current records for the recharge water year beginning June 1 and ending May 31 and submit an annual withdrawal report to the Director by June 15 of each year. The withdrawal report shall note total withdrawals, recently measured and dated water levels at each well, and other data pertinent to the storage account during the recharge year.
9. Allowable use of stored water: The availability of recharge water shall be determined on the basis of secondary groundwater rights and the allowable use of stored recharge water. The allowable use of stored recharge water falls into three categories. For ease of reference, these categories are named as the following color zones:
 - A. Green Zone: If water levels at key wells are above the upper target level, use is allowed up to the maximum of the storage account or maximum duty, whichever is lower. These target levels are noted in item 15.
 - B. Red Zone: If recent water levels as determined between April 1 and June 1 at the two keys wells are below the lower target

levels, no use of recharge water is allowed the following recharge year.

C. Yellow Zone: If neither Green Zone or Red Zone water levels prevail, use is allowed up to 80 percent of the recharge volume for the preceding 12 months.

10. Condition changes: If the Director has reason to believe that the well(s) is not with-drawing artificially recharged groundwater or there are other substantial groundwater concerns, the permittee shall cease withdrawal upon notice from the Director. No further withdrawal shall be made until measures to prevent, correct or monitor the situation have been agreed to and implemented.
11. Permit assignment: A potential assignee shall prove, to the Director's satisfaction, the financial capability to construct uncompleted portions of, and operate, the project authorized by the permit.

STANDARD CONDITIONS

The wells 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.

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.

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.

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, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin by October 28, 1999. Complete application of water to the use shall be made on or before October 1, 2003. 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 October 28, 1998



Martha O. Pagel, Director
Water Resources Department

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Basin 02
RWK

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District 16