

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COUNTRY VIEW ESTATES WATER SYSTEM
DONALD HARKINS
91000 RIDGEVIEW ROAD
EUGENE, OREGON 97408

(541) 683-5700

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

APPLICATION FILE NUMBER: G-15227

SOURCE OF WATER: FIFTEEN WELLS IN DANIELS CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL AND IRRIGATION OF 137.2 ACRES

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 0.8275 CUBIC FOOT PER SECOND(CFS), BEING 0.8275 CFS FOR QUASI-MUNICIPAL USE AND 0.8275 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR QUASI-MUNICIPAL AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 9, 2000

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 26, 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 35, SW 1/4 SW 1/4, SECTION 36, T16S, R3W, W.M.; WELL 738 - N84°38'19"W; WELL 726- N77°6'42"W; WELL 7686- N86°32'47"W; WELL 7691- S53°43'40"W; WELL 2- S43°28'12"W; WELL 7688- S79°56'36"W; WELL 7689- S73°53'25"W; WELL 7676- S85°14'56"W; WELL 7675- S86°52'28"W; WELL 1- S87°15'00"W; WELL 7685- S63°29'2"W; WELL 7690- S65°30'39"W; WELL 737- S62°37'28"W; WELL 739- S18°57'44"E; WELL 7693- 16°2'18"E, ALL FROM THE NE CORNER SECTION 35

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.

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Water Resources Department

PERMIT G-14050

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SW 1/4	11.7 ACRES	QUASI-MUNICIPAL
SW 1/4 SW 1/4	16.9 ACRES	QUASI-MUNICIPAL
SE 1/4 SW 1/4	4.6 ACRES	QUASI-MUNICIPAL
SECTION 26		
NE 1/4 SE 1/4	2.9 ACRES	QUASI-MUNICIPAL
SE 1/4 SE 1/4	5.8 ACRES	QUASI-MUNICIPAL
SECTION 27		
NE 1/4 NE 1/4	1.8 ACRES	QUASI-MUNICIPAL
SECTION 34		
NE 1/4 NE 1/4	2.5 ACRES	QUASI-MUNICIPAL
NW 1/4 NE 1/4	15.5 ACRES	QUASI-MUNICIPAL
SW 1/4 NE 1/4	5.7 ACRES	QUASI-MUNICIPAL
SE 1/4 NE 1/4	3.0 ACRES	QUASI-MUNICIPAL
NE 1/4 NW 1/4	20.5 ACRES	QUASI-MUNICIPAL
NW 1/4 NW 1/4	25.3 ACRES	QUASI-MUNICIPAL
SW 1/4 NW 1/4	8.0 ACRES	QUASI-MUNICIPAL
SE 1/4 NW 1/4	10.0 ACRES	QUASI-MUNICIPAL
SECTION 35		
SW 1/4 NW 1/4	3.0 ACRES	QUASI-MUNICIPAL
SECTION 36		

TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install 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 water user 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 (or replacement well) 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 water user 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 water user'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 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 interferences.

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 Place

Initial 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 Begun

Seven 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.

The use of water from Wells #1 and #2 shall allow ground water production only from the marine sediment (shale) ground water reservoir below 100 feet below land surface.

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.

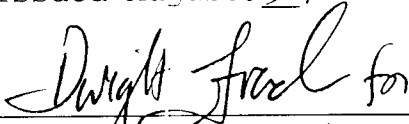
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

(SEE NEXT PAGE)

Complete application of the water to the use shall be made on or before October 1, 2005. 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 August 23, 2001



Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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Basin 2
JWG- WEEK 299

Water Resources Department
Volume 4 MUDDY CR & MISC

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District 2