

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

RAINBOW HEIGHTS HOMEOWNERS ASSOCIATION
1299 CASCADE VIEW LANE SE
SALEM, OR 97306

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

APPLICATION FILE NUMBER: G-16018

SOURCE OF WATER: A WELL IN POWELL CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 4.0 ACRES

MAXIMUM RATE: 0.05 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 28, 2003

WELL LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27, T8S, R3W, W.M.; 930 FEET
SOUTH & 850 FEET WEST FROM NE CORNER, SECTION 27

SPECIFIC CONDITIONS

The amount of water used for irrigation under this right, together with the amount secured for irrigation under any other right, or the amount used pursuant to ORS 537.545(1)(b), for the parcels described below is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 1.0 acre-foot for each acre irrigated during the irrigation season of each year.

The only permissible method of irrigation that can be used on the parcels described below under this permit is drip or an equally efficient irrigation method approved by the Department.

Irrigation under this permit, together with any other irrigation right for the same parcels described below, including the right to use water for irrigation on said parcels from an exempt well pursuant to ORS 537.545, is limited to 0.5 acre per each parcel, for a total of 4.0

acres. The Department received revised application maps for six of the eight parcels between January 6, 2006 and February 14, 2006, being lots 600, 601, 602, 603, 701, and 703. Before water may be used under this permit on any of the remaining two parcels, being lots 700 and 702, the applicant must submit a place of use map for that particular parcel to the Department for review and approval.

Except as provided herein, nothing in this permit prevents users of the well identified in this permit from using water for exempt purposes listed in ORS 537.545. Exempt use of water for irrigation from this well under ORS 537.545(1)(b) and any permitted irrigation uses from this well are not additive. Individual parcel holders may only use water from the well under this permit if they are not simultaneously using water for irrigation from an individual exempt well. If an individual parcel holder were to use water for irrigation from an individual exempt well, then such use is not governed by this permit.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 0.5 ACRE PARCEL 1 PARTITION PLAT 1991-08
NE 1/4 NE 1/4 0.5 ACRE PARCEL 1 PARTITION PLAT 1993-13
NE 1/4 NE 1/4 0.5 ACRE PARCEL 2 PARTITION PLAT 1991-13
NE 1/4 NE 1/4 0.5 ACRE PARCEL 3 PARTITION PLAT 1991-06
NE 1/4 NE 1/4 0.5 ACRE PARCEL 1 PARTITION PLAT 1991-48
NE 1/4 NE 1/4 0.5 ACRE PARCEL 2 PARTITION PLAT 1991-48
NE 1/4 NE 1/4 0.5 ACRE PARCEL 1 PARTITION PLAT 1990-102
NE 1/4 NE 1/4 0.5 ACRE PARCEL 3 PARTITION PLAT 1990-102

SECTION 26

TOWNSHIP 8 SOUTH, RANGE 3 WEST, W.M.

This permit expires on October 1, 2010. This permit may be renewed for additional periods of time, not to exceed five years each, if the Director finds the groundwater resource can probably support the continued use. Failure to comply with the conditions of this permit may affect the determination of whether the resource can probably support the continued use.

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, 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, measuring device, and moisture sensor(s); provided however, where the meter, measuring device, or moisture sensor is located within a private structure, the watermaster shall request access upon reasonable notice.

OTHER CONDITIONS

- (1) Use of water from the well, as allowed under this permit, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from the well under this permit shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31 and submitted to the Department's groundwater/hydrology section within 30 days from the date of measurement.

- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructors, licensed pump installers, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and for the measurement in subsection (b) of this section shall be submitted to the Department within 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).
- (4) To minimize evaporative losses, the Applicant will irrigate only during the hours of 8:00 PM to 9:00 AM.

Failure to provide March static water level measurements will likely result in regulation of water use from the well(s) authorized under this permit, until compliance with the annual measurement requirement is met.

For the purpose of considering subsequent renewals of this permit, the Department will be using the first March static water level measurement as the reference static water level.

STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised,

conditions may be appropriately revised, or this permit may not be valid.

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) under this permit 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.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

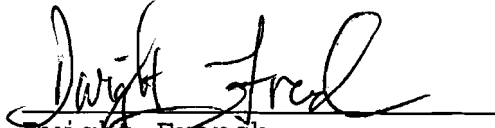
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an

application for extension of time, which may be approved based upon the merit of the application.

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).



Dwight French
Administrator of Water Rights
and Adjudications
for
Phillip C. Ward, Director
Oregon Water Resources Department

March 20, 2006
Date