

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID BANY  
5442 SW KRUSE RD  
WILSONVILLE, OR 97070

503-247-3448

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

APPLICATION FILE NUMBER: G-16556

SOURCE OF WATER: BANY WELL 1 (L50654), BANY WELL 2, BANY WELL 3, AND BANY WELL 4 IN WILLAMETTE RIVER BASIN

PURPOSE OR USE: AGRICULTURE USES AND IRRIGATION USE ON 5.8 ACRES

MAXIMUM RATE: 0.078 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.022 CFS FOR AGRICULTURE AND 0.073 CFS FOR IRRIGATION

PERIOD OF USE: YEAR ROUND FOR AGRICULTURE AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 20, 2005

WELL LOCATIONS:

BANY WELL 1 (L50654): SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 18, T3S, R1E, W.M.; 668 FEET NORTH & 2695 FEET EAST FROM SW CORNER, SECTION 18

BANY WELL 2: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 18, T3S, R1E, W.M.; 586 FEET NORTH & 2828 FEET EAST FROM SW CORNER, SECTION 18

BANY WELL 3: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 18, T3S, R1E, W.M.; 541 FEET NORTH & 2527 FEET EAST FROM SW CORNER, SECTION 18

BANY WELL 4: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 18, T3S, R1E, W.M.; 927 FEET NORTH & 2773 FEET EAST FROM SW CORNER, SECTION 18

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 and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ SW ¼ AGRICULTURE AND 0.4 ACRE IRRIGATION  
SE ¼ SW ¼ AGRICULTURE AND 3.3 ACRES IRRIGATION  
SW ¼ SE ¼ AGRICULTURE AND 2.1 ACRES IRRIGATION

SECTION 18

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce groundwater only from the alluvial groundwater reservoir between approximately zero feet and 500 feet below land surface.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

#### STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

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.

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.

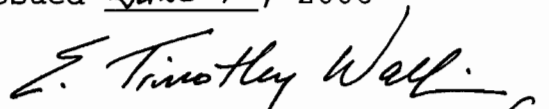
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Completion of construction and 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).

Issued JUNE 1, 2006



Phillip C. Ward, Director *for*  
Water Resources Department