

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MYRON KUENZI
6500 STATE ST
SALEM, OR 97301

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

APPLICATION FILE NUMBER: G-16792

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, AND WELL 4 IN FRUITLAND CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 67.0 ACRES

MAXIMUM RATE: 0.84 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 8, 2007

WELL LOCATIONS:

WELL 1: DLC 44 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 34, T7S, R2W, W.M.; 2650 FEET NORTH AND 1225 FEET EAST FROM SW CORNER, SECTION 34

WELL 2: DLC 44 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 34, T7S, R2W, W.M.; 1880 FEET NORTH AND 190 FEET EAST FROM SW CORNER, SECTION 34

WELL 3: DLC 44 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 34, T7S, R2W, W.M.; 925 FEET NORTH AND 40 FEET EAST FROM SW CORNER, SECTION 34

WELL 4: DLC 44 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 33, T7S, R2W, W.M.; 1040 FEET NORTH AND 1450 FEET WEST FROM SE CORNER, SECTION 33

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:

SW ¼ SE ¼ 1.8 ACRES

SE ¼ SE ¼ 17.4 ACRES

SECTION 33

SW ¼ NW ¼ 1.4 ACRES

NW ¼ SW ¼ 40.4 ACRES

SW ¼ SW ¼ 6.0 ACRES

SECTION 34

ALL AS PROJECTED WITHIN DLC 44

TOWNSHIP 7 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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 an annual report which includes the recorded water use measurements to the Department by December 1 of each year. 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.
- (1) Use of water from the well, as allowed herein, 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 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 a new well 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.
- (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 constructor, licensed pump installer, 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 shall be submitted to the Department within 90 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).

During any pump test required by this permit, observation water-level measurements shall be made in at least two nearby wells that are completed in the same aquifer as the pumped well. The observation wells should be idle prior to and during the test, and should be at least 200 feet and not more than about 2000 feet from the pumped well. Measurements shall be made at the same times as in the pumped well, shall be accurate to at least 0.1 of a foot, and shall be recorded on the Department's Pump Test Data Sheets. The pump test report shall include a summary description of the test, water-level readings for each well, well logs for each well, and a map at a scale of 1:24,000 or larger, showing the well locations to an accuracy of at least 50 feet.

Any well that is constructed to produce water from the Columbia River Basalt Group shall be cased and sealed at least 50 feet into the basalt unit.

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 well(s) 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.

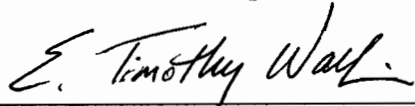
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2012. 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 January 17, 2008



for Phillip C. Ward, Director
Water Resources Department

