

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
PO BOX 549
SILETZ, OR 97380

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

APPLICATION FILE NUMBER: G-16635

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8,
WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, WELL 15, WELL 16, WELL 17,
WELL 18, WELL 19 AND WELL 20 IN THE DEVILS LAKE BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 129.9 ACRES; POND
MAINTENANCE

MAXIMUM RATE: NO MORE THAN 220 GALLONS PER MINUTE, BEING 220 GALLONS PER
MINUTE FOR SUPPLEMENTAL IRRIGATION USE AND 89 GALLONS PER MINUTE FOR
POND MAINTENANCE OF RESERVOIR 4A, RESERVOIR 5, RESERVOIR 6, RESERVOIR 7,
RESERVOIR 8, RESERVOIR 9, RESERVOIR 10, RESERVOIR 11, AND RESERVOIR 12,
CONSTRUCTED UNDER PERMIT R-14441

ANNUAL MAXIMUM VOLUME: NOT TO EXCEED 75 ACRE-FEET

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 2, 2006

WELL LOCATIONS:

WELL 1 - NE ¼ SE ¼, SECTION 35, T6S, R11W, W.M.; 2350 FEET NORTH & 1220 FEET
WEST FROM SE CORNER, SECTION 35

WELL 2 - NE ¼ SE ¼, SECTION 35, T6S, R11W, W.M.; 2610 FEET NORTH & 750 FEET
WEST FROM SE CORNER, SECTION 35

WELL 3 - SW ¼ SE ¼, SECTION 35, T6S, R11W, W.M.; 1180 FEET NORTH & 1350 FEET
WEST FROM SE CORNER, SECTION 35

WELL 4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 1060 FEET NORTH & 1870 FEET WEST FROM SE CORNER, SECTION 35

WELL 5 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 1155 FEET NORTH & 580 FEET WEST FROM SE CORNER, SECTION 35

WELL 6 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 920 FEET NORTH & 485 FEET WEST FROM SE CORNER, SECTION 35

WELL 7 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 700 FEET NORTH & 320 FEET WEST FROM SE CORNER, SECTION 35

WELL 8 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 440 FEET NORTH & 700 FEET WEST FROM SE CORNER, SECTION 35

WELL 9 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T6S, R11W, W.M.; 1270 FEET NORTH & 130 FEET EAST FROM SW CORNER, SECTION 36

WELL 10 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T6S, R11W, W.M.; 980 FEET NORTH & 595 FEET EAST FROM SW CORNER, SECTION 36

WELL 11 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T6S, R11W, W.M.; 530 FEET NORTH & 260 FEET EAST FROM SW CORNER, SECTION 36

WELL 12 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 30 FEET NORTH & 1120 FEET WEST FROM SE CORNER, SECTION 35

WELL 13 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 220 FEET SOUTH & 360 FEET WEST FROM NE CORNER, SECTION 2

WELL 14 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 280 FEET SOUTH & 1030 FEET WEST FROM NE CORNER, SECTION 2

WELL 15 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 670 FEET SOUTH & 1040 FEET WEST FROM NE CORNER, SECTION 2

WELL 16 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 320 FEET SOUTH & 1260 FEET WEST FROM NE CORNER, SECTION 2

WELL 17 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 610 FEET SOUTH & 2080 FEET WEST FROM NE CORNER, SECTION 2

WELL 18 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 370 FEET SOUTH & 1835 FEET WEST FROM NE CORNER, SECTION 2

WELL 19 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T6S, R11W, W.M.; 30 FEET NORTH & 1905 FEET WEST FROM SE CORNER, SECTION 35

WELL 20 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 45 FEET SOUTH & 2330 FEET WEST FROM NE CORNER, SECTION 2

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 $\frac{1}{4}$ SE $\frac{1}{4}$ 18.6 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.7 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.7 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.1 ACRES AND POND MAINTENANCE
 SECTION 35

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 ACRE
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.3 ACRES AND POND MAINTENANCE
 SECTION 36
 TOWNSHIP 6 SOUTH, RANGE 11 WEST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.1 ACRES AND POND MAINTENANCE
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9.0 ACRES AND POND MAINTENANCE
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.4 ACRES
 SECTION 2
 TOWNSHIP 7 SOUTH, RANGE 11 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 at each point of appropriation. The permittee shall maintain the meter(s) in good working order. 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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 any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the 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.

In addition to the above measurement, recording and reporting conditions, following the first year of water use and for seven consecutive years, the permittee shall measure and report the static water level in each well in the months of July, November and January. Reports shall be submitted to the Department within 15 days of measurement and shall be submitted on forms provided by the Department. The Director may require that the permittee obtain and report static water level measurements in the months of July, November and January beyond the seven year period.

Within one year of water use being initiated, the permittee shall develop and submit to the Department a wetland monitoring plan to monitor the wetland at the lower end of unnamed stream #2 and located on the golf course property on the north side of Highway 101 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, Township 7 South, Range 11 West, W.M. Following plan submittal, for ten consecutive years, prior to January 15 of each year, the permittee shall provide a report to the Department outlining monitoring activities and findings.

The permittee shall use best practical technologies or conservation practices for the application of irrigation water under this permit that are practicable and feasible to improve water use efficiency and water conservation.

STANDARD CONDITIONS

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.

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.

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 no later than five years from the date of permit issuance. 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 July 3, 2008

E. Timothy Ward
for Phillip C. Ward, Director
Water Resources Department