

STATE OF OREGON

COUNTY OF LANE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EUGENE WATER AND ELECTRIC BOARD
PO BOX 10148; 500 E 4TH AVE
EUGENE, OREGON 97440-2148

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

APPLICATION FILE NUMBER: G-15857

SOURCE OF WATER: WELL 1, WELL 2, WELL 3 (LANE 61477), WELL 4, WELL 5 (LANE 61476), WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11 AND WELL 12 IN WILLAMETTE RIVER BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 18.49 CUBIC FEET PER SECOND (CFS);

BEING A CUMULATIVE RATE OF NOT MORE THAN 4.998 CFS FROM WELL 1, WELL 4, WELL 7, WELL 9, WELL 10, WELL 11, AND WELL 12, FURTHER LIMITED TO A MAXIMUM RATE OF 2.5 CFS FOR EACH WELL;

AND A CUMULATIVE RATE OF NOT MORE THAN 13.49 CFS FROM WELL 2, WELL 3 (LANE 61477), WELL 5 (LANE 61476), WELL 6, AND WELL 8, FURTHER LIMITED TO A MAXIMUM RATE OF 2.698 CFS FOR EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: DECEMBER 20, 2002

WELL LOCATIONS:

WELL 1: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T17S, R3W, W.M.; 2050 FEET SOUTH AND 270 FEET WEST FROM THE NE CORNER OF SECTION 17

WELL 2: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T17S, R3W, W.M.; 600 FEET SOUTH AND 400 FEET EAST FROM NW CORNER, SECTION 9

WELL 3 (LANE 61477) : NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T17S, R3W, W.M.; 30 FEET SOUTH AND 2180 FEET EAST FROM THE NW CORNER OF SECTION 16

WELL 4: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 8, T17S, R3W, W.M.; 50 FEET NORTH AND 50 FEET WEST FROM SE CORNER, SECTION 8

WELL 5 (LANE 61476): NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T17S, R3W, W.M.; 1880 FEET NORTH AND 500 FEET EAST FROM SW CORNER, SECTION 9

WELL 6: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T17S, R3W, W.M.; 2270 FEET SOUTH AND 2250 FEET EAST FROM NW CORNER, SECTION 16

WELL 7: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 8, T17S, R3W, W.M.; 4065 FEET NORTH AND 310 FEET EAST FROM SW CORNER, SECTION 8

WELL 8: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T17S, R3W, W.M.; 1825 FEET SOUTH AND 1435 FEET EAST FROM NW CORNER, SECTION 9

WELL 9: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 17, T17S, R3W, W.M.; 2190 FEET SOUTH AND 1750 FEET EAST FROM NW CORNER, SECTION 17

WELL 10: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 8, T17S, R3W, W.M.; 110 FEET NORTH AND 1810 FEET WEST FROM SE CORNER, SECTION 8

WELL 11: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 8, T17S, R3W, W.M.; 130 FEET NORTH AND 2200 FEET EAST FROM SW CORNER, SECTION 8

WELL 12: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 8, T17S, R3W, W.M.; 3150 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 8

THE PLACE OF USE IS WITHIN THE SERVICE BOUNDARY OF EUGENE WATER AND ELECTRIC BOARD

The use of water under this permit or subsequent certificate, in combination with the water rights originating under Applications S-10168, S-22037, and S-35037 shall not exceed a total of 300.08 cubic feet per second.

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 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.

Use of any or all water under this permit is only allowed if an Intergovernmental Agreement is in place between the Eugene Water and Electric Board, Springfield Utility Board, and the Rainbow Water district that addresses injury issues with senior users.

The combined pumping rate from all wells that are less than one mile from Ayers Pond (Well 1, Well 4, Well 7, Well 9, Well 10, Well 11, and Well 12 in the current proposed wellfield configuration) shall not exceed 4.998 cfs unless the Department approves a plan to mitigate impacts on the Willamette River.

The combined pumping rate from all wells that are less than one mile from the Willamette River (only Well 7 in the current proposed wellfield configuration) shall not exceed 4.998 cfs unless the Department approves a plan to mitigate impacts on the Willamette River.

The wells shall be completed to produce water from the confined portion of the alluvial aquifer system at depths greater than about 100 feet below land surface.

The applicant shall submit an updated water management and conservation plan consistent with current Oregon Administrative Rule Chapter 690, Division 86 within two years of issuance of this permit. Extensions for this submission may be allowed for good cause.

The use may be restricted if the quality of hydraulically connected surface waters 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

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 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.

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.

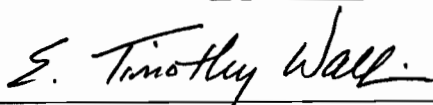
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The permit holder shall commence and complete the construction of any proposed works within 20 years from the date of permit issuance. The Department may order and allow an extension of time to complete construction or to perfect a water right beyond 20 years from the date of permit issuance.

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 13, 2008



for Phillip C. Ward, Director
Water Resources Department