

STATE OF OREGON

COUNTY OF HOOD RIVER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
6040 DEE HWY
PARKDALE, OR 97041

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

APPLICATION FILE NUMBER: G-16932

SOURCE OF WATER: WELL 1 (HOOD 50097), WELL 2 (HOOD 50096), WELL 5 (HOOD 50456), AND WELL 6 (HOOD 50457) IN ROGERS CREEK BASIN

PURPOSE OR USE: FISH CULTURE

MAXIMUM RATE: 1.36 CUBIC FEET PER SECOND BEING NO MORE THAN 0.13 CFS FROM WELL 1 (HOOD 50097), 0.34 CFS FROM WELL 2 (HOOD 50096), 0.78 FROM WELL 5 (HOOD 50456), AND 1.0 CFS FROM WELL 6 (HOOD 50457)

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: SEPTEMBER 20, 2007

WELL LOCATION:

WELL 1 (HOOD 50097) - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T1N, R10E, W.M.; 1703 FEET NORTH AND 283 FEET WEST FROM S1/4 CORNER, SECTION 31

WELL 2 (HOOD 50096) - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T1N, R10E, W.M.; 1483 FEET NORTH AND 148 FEET WEST FROM S1/4 CORNER, SECTION 31

WELL 5 (HOOD 50456) - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T1N, R10E, W.M.; 1458 FEET NORTH AND 688 FEET WEST FROM S1/4 CORNER, SECTION 31

WELL 6 (HOOD 50457) - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T1N, R10E, W.M.; 1433 FEET NORTH AND 823 FEET WEST FROM S1/4 CORNER, SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 31
TOWNSHIP 1 NORTH, RANGE 10 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 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.

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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.

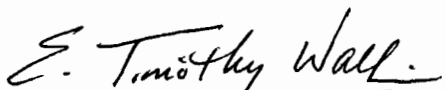
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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 SEPTEMBER 11, 2008



for Phillip C. Ward, Director
Water Resources Department