

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RUPP RANCHES
176 KRANICHWOOD ST
RICHLAND, WA 99352

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

APPLICATION FILE NUMBER: G-17068

SOURCE OF WATER: WELL 1, WELL 2, AND WELL 3 IN COLUMBIA RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 1,000 ACRES

MAXIMUM RATE: 12.5 CUBIC FEET PER SECOND, FURTHER LIMITED TO 2,000 ACRE FEET PER YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 16, 2008

WELL LOCATIONS:

WELL 1: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2660 FEET EAST FROM NW CORNER, SECTION 15

WELL 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T5N, R30E, W.M.; 2455 FEET SOUTH AND 2645 FEET EAST FROM NW CORNER, SECTION 14

WELL 3: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 13, T5N, R30E, W.M.; 2230 FEET SOUTH AND 2440 FEET EAST FROM NW CORNER, SECTION 13

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
SECTION 11

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES
SECTION 12

NW ¼ NW ¼ 10.0 ACRES
 SW ¼ NW ¼ 10.0 ACRES
 NW ¼ SW ¼ 10.0 ACRES
 SW ¼ SW ¼ 5.0 ACRES
 SECTION 13

NE ¼ NE ¼ 40.0 ACRES
 NW ¼ NE ¼ 40.0 ACRES
 SW ¼ NE ¼ 40.0 ACRES
 SE ¼ NE ¼ 40.0 ACRES
 NE ¼ NW ¼ 40.0 ACRES
 NW ¼ NW ¼ 40.0 ACRES
 SW ¼ NW ¼ 40.0 ACRES
 SE ¼ NW ¼ 40.0 ACRES
 NE ¼ SW ¼ 40.0 ACRES
 NW ¼ SW ¼ 40.0 ACRES
 SW ¼ SW ¼ 20.0 ACRES
 SE ¼ SW ¼ 20.0 ACRES
 NE ¼ SE ¼ 40.0 ACRES
 NW ¼ SE ¼ 40.0 ACRES
 SW ¼ SE ¼ 20.0 ACRES
 SE ¼ SE ¼ 20.0 ACRES
 SECTION 14

NE ¼ NE ¼ 40.0 ACRES
 NW ¼ NE ¼ 40.0 ACRES
 SW ¼ NE ¼ 40.0 ACRES
 SE ¼ NE ¼ 40.0 ACRES
 NE ¼ NW ¼ 40.0 ACRES
 NW ¼ NW ¼ 10.0 ACRES
 SW ¼ NW ¼ 10.0 ACRES
 SE ¼ NW ¼ 40.0 ACRES
 NE ¼ SE ¼ 40.0 ACRES
 NW ¼ SE ¼ 40.0 ACRES
 SW ¼ SE ¼ 20.0 ACRES
 SE ¼ SE ¼ 20.0 ACRES
 SECTION 15

TOWNSHIP 5 NORTH, RANGE 30 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 at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. 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.

- C. The permittee shall allow Department staff access to the meter(s) and the wells; provided however, where any meter or well is located within a private structure, staff shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The wells shall be regulated if any interference is observed or demonstrated with wells in the Stage Gulch Critical Ground Water Area.

This water right is not eligible for the allocation of conserved water authorized under ORS 537.455 - 537.500.

Groundwater production in each well shall be limited to a single aquifer in the Columbia River Basalt Group. Each well shall be continuously cased and continuously sealed to within 100 feet of the bottom of the open borehole. A larger open interval may be approved by the Department if the permittee can demonstrate to the Department's satisfaction, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or that the open interval is part of a continuous zone of interconnected porous materials.

Each well with a pump shall be equipped with a dedicated 3/4-inch diameter (minimum) water-level measurement tube, separate from other methods of measuring the water level such as airlines or transducers. The annual water-level measurement required in the permit shall be measured through the measuring tube.

Data Collection Plan

For each of the following numbered conditions, data collection shall be supervised by an Oregon registered geologist. Prior to data collection, the geologist shall submit a data collection and analysis plan (or plans) for Department approval for each numbered item below.

1) Drill Cuttings

Drill cuttings shall be collected at the permitted wells and any test holes. Samples shall be collected at ten-foot intervals and at changes in lithology. A reference set of clean cuttings, in plastic sample trays, shall be submitted to the Department for each well. Select drill cuttings shall be analyzed for a comprehensive suite of major, minor, and trace elements that are appropriate for characterizing Columbia River Basalt Group stratigraphy. The data

shall be compiled and the basalt stratigraphy at each well location shall be interpreted by an Oregon registered geologist.

2) Water Chemistry

Groundwater samples shall be collected from water-bearing zones developed from each well. Samples shall be analyzed by a state certified laboratory for general chemistry (common ions, including fluoride), standard water-quality parameters (pH, dissolved solids, specific conductance) and for dating of groundwater (radiocarbon, stable isotopes, tritium and CFCs).

3) Well Testing

At least one long-term aquifer test shall be conducted to determine continuity between production wells. The test shall be conducted at a constant rate for a minimum of 72 hours, and water levels shall be monitored at the pumped well and at least one other production well or test hole. Production wells drilled subsequently to the aquifer test will require additional aquifer testing. The data collection plan for each aquifer test shall identify offsite wells, including wells in State Gulch Critical Groundwater Area, that have a reasonable potential for hydraulic continuity. This shall be based upon stratigraphic correlation, geologic structure, water-level and water well report data.

4) Groundwater Resource Characterization Report

The permittee shall submit a report that characterizes the groundwater resource contained within the Columbia River Basalt Group developed under this permit. The report at a minimum shall address: 1) basalt stratigraphy and structure, including cross sections; 2) constant rate well testing and aquifer testing results and analyses; 3) groundwater chemistry and groundwater dating results; 4) mechanism and potential for natural recharge and discharge; 5) potential for sustainability of the groundwater resource; 6) water-level comparisons and analysis of potential for interference with senior wells and wells in Stage Gulch Critical Groundwater Area; and 7) potential for additional sustainable groundwater development in the area. Additional reports may be submitted if data are collected after submittal of the characterization report. This body of work shall serve as the technical foundation for review of subsequent applications for local groundwater development.

All hydrologic and geologic data collected shall be provided to OWRD in report and in electronic format specified by the Department.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of February. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial February static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported 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 restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water user shall not 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.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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 be subject to cancellation, 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 appropriation, 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 635-415, shall be followed.

The use may be restricted if the quality of 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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data 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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued April 13, 2010



for Phillip C. Ward, Director
Water Resources Department