

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WIPJRI LLC  
1410 LAKESIDE COURT SUITE 109  
YAKIMA, WA 98902

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

APPLICATION FILE NUMBER: G-17010

SOURCE OF WATER: WELL 2 AND WELL 3 IN SIMPSON CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 140.3 ACRES

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 18, 2008

WELL LOCATIONS:

WELL 2: SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 7, T8S, R1W, W.M.; 150 FEET NORTH AND  
150 FEET WEST FROM SE CORNER, SECTION 7

WELL 3: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 7, T8S, R1W, W.M.; 2100 FEET NORTH AND  
150 FEET WEST FROM SE CORNER, SECTION 7

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:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  9.5 ACRES  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  27.5 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  9.5 ACRES  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  39.9 ACRES  
SECTION 7

NE ¼ NE ¼ 13.8 ACRES  
NW ¼ NE ¼ 26.0 ACRES  
NE ¼ NW ¼ 14.1 ACRES  
SECTION 18  
TOWNSHIP 8 SOUTH, RANGE 1 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 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(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- (1) Use of water from any 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(s).
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported 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 report the record of 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 (2).

The wells shall be cased and sealed into hard basalt below an elevation of 340 feet, or to a sufficient depth to ensure that the open interval is no shallower than the basal portion of the Sentinel Bluffs Member of the Columbia River Basalt Group.

Ground-water production in each well shall be limited to a single aquifer in the Columbia River Basalt Group. The open interval in each well shall be no greater than 100 feet except as noted below. Open interval means the total length of borehole that is not behind sealed casing. The borehole above the open interval shall be continuously cased and continuously sealed to land surface. A larger open interval may be approved by the Department if the applicant can demonstrate, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent, or if the applicant can demonstrate that the open interval is part of a continuous zone of interconnected porous materials such as a sequence of pillow lavas or an hyaloclastite complex.

During any pump test required by this permit, observation water-level measurements shall also be made in at least one of the nearest existing wells on the permit. The observation wells shall be idle prior to and during the test. 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 or an acceptable substitute. The pump test report shall identify each well by its

corresponding Well ID (well tag number) or OWRD Well Log ID and shall include a map or aerial photo showing the well locations to an accuracy of at least 50 feet.

The permittee shall instruct the well constructor to contact the Ground Water Section of the Water Resources Department prior to drilling each well to arrange for the collection of drill cuttings.

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 Chapter 635, Division 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 *SEPTEMBER 2*, 2010

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department