

STATE OF OREGON  
COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEVEN HILLS PROPERTIES, LLC.  
83501 LOWER DRY CREEK RD  
MILTON FREEWATER, OR 97862

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

APPLICATION FILE NUMBER: G-17395

SOURCE OF WATER: WELL 3A (UMAT 55526), WELL 4A (UMAT 55523), WELL 4D (UMAT 56382), AND UMAT 50516 IN DRY CREEK BASIN

PURPOSE OR USE: STORAGE FOR IRRIGATION

MAXIMUM RATE: 16.82 CUBIC FEET PER SECOND (CFS), LIMITED TO NO MORE THAN 5.4 CFS FROM WELL 3A (UMAT 55526), 8.8 CFS FROM WELL 4A (UMAT 55523), 8.9 CFS FROM WELL 4D (UMAT 56382), AND 1.5 CFS FROM WELL UMAT 50516 FOR STORAGE OF 58.47 ACRE FEET (AF) OF GROUND WATER, BEING 22.59 AF IN EAST BULGE, 6.64 AF IN FERGUSON BULGE, 8.42 AF IN MIDDLE BULGE, 13.20 AF IN WEST BULGE, AND 7.62 AF IN SOUTH BULGE

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 3, 2010

WELL LOCATIONS:

WELL 3A (UMAT 55526) - SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 3, T5N, R35E, W.M.; 1156 FEET NORTH AND 314 FEET EAST FROM S1/4 CORNER, SECTION 3

WELL 4A (UMAT 55523) - NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 4, T5N, R35E, W.M.; 415 FEET SOUTH AND 500 FEET WEST FROM C1/4 CORNER, SECTION 4

WELL 4D (UMAT 56382) - NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 4, T5N, R35E, W.M.; 375 FEET SOUTH AND 940 FEET WEST FROM C1/4 CORNER, SECTION 4

WELL UMAT 50516 - NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 4, T5N, R35E, W.M.; 335 FEET SOUTH AND 1516 FEET EAST FROM NW CORNER, SECTION 4

DAM LOCATIONS:

EAST BULGE - SWSE, SECTION 3, T5N, R35E, W.M.; 1320 FEET NORTH AND 445 FEET EAST FROM S1/4 CORNER, SECTION 3

## DAM LOCATIONS (CONTINUED):

FERGUSON BULGE - NENW, SECTION 10, T5N, R35E, W.M.; 175 FEET SOUTH AND 680 FEET WEST FROM N1/4 CORNER, SECTION 10

MIDDLE BULGE - NENE and NENE, SECTION 9, T5N, R35E, W.M.; 145 FEET SOUTH AND 1320 FEET WEST FROM NE CORNER, SECTION 9

WEST BULGE - NESE and NWSE, SECTION 5, T5N, R35E, W.M.; 1105 FEET SOUTH AND 1215 FEET WEST FROM E1/4 CORNER, SECTION 5

SOUTH BULGE - NESE, SECTION 8, T5N, R35E, W.M.: 1005 FEET SOUTH AND 110 FEET WEST FROM E1/4 CORNER, SECTION 8

## RESERVOIR INFORMATION:

RESERVOIR	VOLUME (AF)	DAM HEIGHT (FEET)	AREA INUNDATED (ACRES)
EAST BULGE	22.59	7.8	1.74
FERGUSON BULGE	6.64	7.4	0.72
MIDDLE BULGE	8.42	5.4	1.49
WEST BULGE	13.20	8.3	1.20
SOUTH BULGE	7.62	6.1	0.89

## THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ SE ¼ EAST BULGE  
SW ¼ SE ¼ EAST BULGE  
SECTION 3

NE ¼ SE ¼ WEST BULGE  
NW ¼ SE ¼ WEST BULGE  
SECTION 5

NE ¼ SE ¼ SOUTH BULGE  
SECTION 8

NE ¼ NE ¼ MIDDLE BULGE  
NW ¼ NE ¼ MIDDLE BULGE  
SECTION 9

NE ¼ NW ¼ FERGUSON BULGE  
SECTION 10

TOWNSHIP 5 NORTH, RANGE 35 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 or measuring device 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 the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster 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 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 time period of February 1 to March 15. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an annual measurement. Annual measurements are required whether or not the well is used. The reference levels (in feet below land surface) are as follows:

Well 3A (UMAT 55526) --359.80 feet - established March 25, 2008  
Well 4A (UMAT 55523) --416.13 feet - established March 15, 2008  
Well 4D (UMAT 56382) ---419.30 feet - established February 18, 2010  
Well UMAT 50516 -----192.50 feet - established March 23, 1998

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.

The permittee is required to pass all surface water for which a storage right does not exist. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that surface-water flow is not impeded. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

**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.

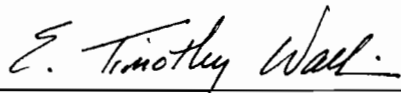
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 January 13, 2011



for Phillip C. Ward, Director  
Water Resources Department