

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

X NOVO LLC
1551 OAK AVE
SAINT HELENA, CA 94574

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

APPLICATION FILE NUMBER: G-17494

SOURCE OF WATER: DRAIN TILES IN BRUSH COLLEGE CREEK BASIN

PURPOSE OR USE: STORAGE IN X NOVO RESERVOIR FOR IRRIGATION ; IRRIGATION OF 31.4 ACRES

MAXIMUM VOLUME: 9.0 ACRE FEET EACH YEAR

PERIOD OF USE: STORAGE - NOVEMBER 1 THROUGH FEBRUARY 28/29
IRRIGATION FROM RESERVOIR - MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: OCTOBER 17, 2011

DRAIN TILES LOCATION: POD A - NW ¼ NE ¼, SECTION 7, T7S, R3W, W.M.; 705 FEET SOUTH AND 290 FEET EAST FROM N1/4 CORNER, SECTION 7

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 0.86 ACRE AND THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 9.0 FEET.

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 1.0 acre-foot for each acre irrigated during the irrigation season of each year.

Irrigation allowed under this permit shall be by drip irrigation or by an equally efficient method.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 31.2 ACRES IRRIGATION AND X NOVO RESERVOIR
SW ¼ NE ¼ 0.2 ACRE IRRIGATION
SECTION 7
TOWNSHIP 7 SOUTH, RANGE 3 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 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.
- B. The permittee shall keep a complete record of the amount of water diverted/stored each month, and shall submit a report which includes the recorded report water-use/water-storage 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.

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 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.

All drain tiles that are used as a source of water under this permit shall be tied to a common diversion point which shall be equipped with a suitable measuring device as approved by the Director.

To prevent downstream thermal loading into fish-bearing creeks, the permittee shall not release stored water from the reservoir into the stream channel leading into Brush College Creek from June 1 through October 15, unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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 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.

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.

This permit expires in five years from date of issuance. This permit may be renewed for additional periods of time, not to exceed five years, if the Director finds the groundwater resource can probably support the continued use. The following conditions shall have been met by the permittee in order for the Department to consider renewal.

- A. Within two years of permit issuance, the permittee shall prepare a plan for the Director which shall indicate the steps for obtaining a long term water supply.
- B. 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.
- C. 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 July 5 , 2012



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director