

STATE OF OREGON
COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL ARTERBURN
PO BOX 1166
HERMISTON, OREGON 97838

(541) 567-0053

This superseding permit is issued to describe an amendment for an additional point of appropriation and a change in place of use proposed under Permit Amendment Application T-11455 and approved by Special Order Vol. 09, Page 141, entered March 19, 2013, and to describe extensions of time for complete application of water approved August 13, 1999, June 21, 2007, and June 15, 2012. This permit supersedes Permit G-12472.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-14110

SOURCE OF WATER: TWO WELLS IN UMATILLA RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND IRRIGATION OF 48.8 ACRES

RATE OF ALLOWED USE: 1.41 CUBIC FEET PER SECOND (CFS), BEING 0.80 CFS FOR INDUSTRIAL AND 0.61 CFS FOR IRRIGATION

PERIOD OF ALLOWED USE: YEAR ROUND FOR INDUSTRIAL AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: JUNE 22, 1995

POINTS OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SW SE	WELL 1 - 900 FEET NORTH AND 1670 FEET WEST FROM THE SE CORNER OF SECTION 27.
5 N	28 E	WM	27	NE SE	WELL 2 - 30 FEET NORTH AND 30 FEET WEST FROM THE NE CORNER OF TAX LOT 100 (45.88627 NORTH, 119.28665 WEST)

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 (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
5 N	28 E	WM	27	NE SE
5 N	28 E	WM	27	NW SE
5 N	28 E	WM	27	SW SE
5 N	28 E	WM	27	SE SE

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	27	NE SE	30.0
5 N	28 E	WM	27	NW SE	10.4
5 N	28 E	WM	27	SW SE	2.7
5 N	28 E	WM	27	SE SE	5.7
Total					48.8

Permit Amendment T-11455 Conditions

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Groundwater production from Well 2 shall be limited to a single aquifer in the Columbia River Basalt Group.

The Well 2 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 applicant 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.

Following Well 2 completion, Well 2 shall be thoroughly developed to remove cuttings and drilling fluids.

A video log of Well 2 shall be collected to demonstrate to the satisfaction of the Department that the well is only open to a single aquifer in the Columbia River Basalt Group.

Extension of Time Conditions

The last extension of time was approved on June 15, 2012. Any future extensions of time requests will be denied.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

Water level measurements shall be taken annually at the permitted well during the same month for which the reference water level is established, as specified below.

If more than one water level measurement is taken during the first year following issuance of the permit, the stipulation of a reference water level in the well shall be made by staff of the Groundwater and Hydrology Section of the Water Resources Department upon review of the water level data submitted. Otherwise, the reference water level shall be that which is measured during the first month of March following issuance of the permit.

Measurements shall be taken by the electric tape method. All supporting calculations shall be provided to determine the water levels in feet below land surface.

The electric tape shall be labeled at intervals of every five feet or less. Measurements shall be reported in either feet and inches or feet and hundredths of a foot below land surface.

The well shall be idle for a minimum of 16 hours at the time of annual measurements. If this procedure does not meet the goal of attaining static water levels, or well shutdown cannot be accommodated through water storage, this item may be amended after consultation with staff of the Groundwater and Hydrology Section of the Water Resources Department. The water level in the well will be considered static if water levels are within 0.05 foot for a period of 6 hours.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.

Water-level data shall be submitted to the Groundwater and Hydrology Section of the Water Resources Department annually within 30 days of the measurement.

Following the submission of seven consecutive annual reports of static water level measurements, staff of the Groundwater and Hydrology Section of the Water Resources Department shall analyze the data collected. The water level measurement requirement shall be discontinued if the data indicate that the water level has risen or is stable. In addition, the water level measurement requirement shall be discontinued if the data indicate that the water level has declined less than 15 feet. If the water level has declined 15 feet or greater, a meeting shall be scheduled with the permittee/appropriator to review this plan. At that time, the water level measurement requirement may be discontinued or the schedule for measurements may be maintained or modified. If the measurement requirement is discontinued, it may be restarted upon notice to the permittee/appropriator, if the Director receives a complaint from a senior priority well user which alleges that well interference is being caused by the permitted well or if the Director orders an investigation of the groundwater conditions in an area which includes the permitted well.

Any item in this plan may be amended after consultation with staff of the Groundwater and Hydrology Section of the Water Resources Department.

STANDARD CONDITIONS

The wells 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

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.

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.

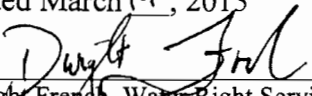
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 2014. Complete application of the water to the use shall be made on or before October 1, 2014.

Issued March 19th, 2013


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR