

STATE OF OREGON
COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SANDERS FAMILY FARM LLC
GAVIN JOLL, OPERATIONS MANAGER
346 POPPY AVE
CORONA DEL MAR, CA 92625

NORTHWEST FARM
CREDIT SERVICES FLCA
PO BOX 13309
650 HAWTHORNE AVE SE 210
SALEM, OR 97306

This superseding permit is issued to describe an amendment for a change in point of appropriation and additional point of appropriation proposed under Permit Amendment Application T-11466 and approved by Special Order Vol. 89, Page 647, entered May 14, 2013, and to describe an extension of time for complete application of water approved June 8, 2012 and an assignment to a new permittee approved January 8, 2009. This permit supersedes Permit G-12793.

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

APPLICATION FILE NUMBER: G-13879

SOURCE OF WATER: TWO WELLS IN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 27.0 ACRES AND MAINTENANCE OF UPPER WINTERS RESERVOIR AND LOWER WINTERS RESERVOIR, CONSTRUCTED UNDER APPLICATION R-74936, PERMIT R-12030, FOR RECREATION

MAXIMUM RATE: 0.448 CUBIC FOOT PER SECOND (CFS) TOTAL, BEING 0.338 CFS FOR SUPPLEMENTAL IRRIGATION AND 0.11 CFS FOR RESERVOIR MAINTENANCE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR SUPPLEMENTAL IRRIGATION;
YEAR ROUND FOR MAINTENANCE OF RESERVOIR FOR RECREATION

DATE OF PRIORITY: NOVEMBER 18, 1994

POINT OF DIVERSION LOCATIONS

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 S	3 W	WM	3	SE NE	1	WELL 1 - 1282 FEET NORTH AND 1092 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 3
4 S	3 W	WM	3	SE NE	1	WELL 2 - 1170 FEET NORTH AND 1070 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 3

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	3 W	WM	2	NW NW	0.6
4 S	3 W	WM	2	SW NW	0.1
4 S	3 W	WM	3	NE NE	7.2
4 S	3 W	WM	3	SE NE	19.1

This right for supplemental irrigation is limited to any deficiency in the available supply of any prior right existing for the same land.

Permit Amendment T-11466 Conditions

The quantity of water diverted at Well 1 shall not exceed the quantity of water lawfully available at the original point of appropriation.

The combined quantity of water diverted at Well 2, together with that diverted at Well 1, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Water shall be acquired from the same aquifer as the original point of appropriation.

Extension of Time Conditions

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016**.

- A. At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- B. The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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, 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.
- 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.

Use of water from the 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.

The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.

The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.

- (A) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted 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 submit a record of the 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 above are evidenced by the well measurement requirement.

Groundwater production shall be from no shallower than 100 feet below land surface.

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.

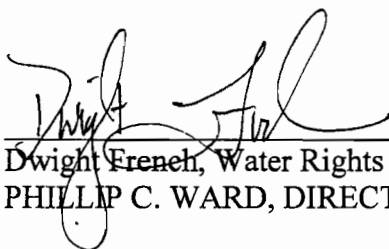
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2017. Complete application of the water to the use shall be made on or before October 1, 2017.

Issued May 14, 2013



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