

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BOGDAN CACEU  
6722 SE REED COLLEGE PLACE  
PORTLAND, OR 97202

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

APPLICATION FILE NUMBER: G-17626

SOURCE OF WATER: SOUTH WELL (POLK 53022/L98386), NORTH WELL (POLK 53096/L104629), AND SUMP WELL IN NORTH FORK ASH CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 30.0 ACRES, POND MAINTENANCE, AND STORAGE OF GROUND WATER FOR IRRIGATION

MAXIMUM RATE/VOLUME: 0.02 CUBIC FOOT PER SECOND (CFS) FOR IRRIGATION OF 30.0 ACRES AND POND MAINTENANCE AND 3.0 ACRE FEET (AF) OF STORED GROUND WATER FOR IRRIGATION OF 30.0 ACRES

PERIOD OF USE:

IRRIGATION - MARCH 1 THROUGH OCTOBER 31  
POND MAINTENANCE - YEAR-ROUND  
STORAGE OF GROUND WATER FOR IRRIGATION - NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: FEBRUARY 6, 2013

WELL LOCATIONS:

SOUTH WELL (POLK 53022/L98386) - NWSE, SECTION 6, T8S, R5W, W.M.;  
2350 FEET NORTH AND 1640 FEET WEST FROM SE CORNER, SECTION 6

NORTH WELL (POLK 53096/L104629) - NWSE, SECTION 6, T8S, R5W, W.M.;  
2600 FEET NORTH AND 1600 FEET WEST FROM SE CORNER, SECTION 6

SUMP WELL - NESE, SECTION 6, T8S, R5W, W.M.; 2160 FEET NORTH AND  
1000 FEET WEST FROM SE CORNER, SECTION 6

RESERVOIR LOCATIONS:

ABOVE-GROUND TANKS - NWSE, SECTION 6, T8S, R5W, W.M.: 2600 FEET  
NORTH AND 1650 FEET WEST FROM SE CORNER, SECTION 6

RESERVOIR LOCATION - NESE, SECTION 6, T8S, R5W, W.M.: 1900 FEET  
NORTH AND 900 FEET WEST FROM SE CORNER, SECTION 6

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:

NE ¼ SE ¼ 10.0 ACRES AND POND MAINTENANCE  
 NW ¼ SE ¼ 12.0 ACRES AND POND MAINTENANCE  
 SW ¼ SE ¼ 5.0 ACRES  
 SE ¼ SE ¼ 3.0 ACRES

SECTION 6

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

Measurement devices, and recording/reporting of annual water use and storage conditions:

- A. The Director may require the permittee to install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of appropriation and at the reservoir. If the Director notifies the permittee to install a measuring device, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order, and shall allow the watermaster access to the device.
- B. The Director may require the permittee to keep and maintain a record of the volume of water diverted and stored, and may require the permittee to report water-use and water-storage 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.

To monitor the effect of water use from South Well (POLK 53022/L98386) and North Well (POLK 53096/L104629), authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water-level measurements. The static water level shall be measured in the month of

March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Static Water Level Measurements

The Department requires the permittee to report an initial water-level measurement in the month specified above once well construction is complete, and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Static Water Level Determination

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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 and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement;
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface;
- C. Specify the method used to obtain each well 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 non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until 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 senior water rights. The water user shall in no instance 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 storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights. 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 surface water or 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 and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port 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.

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 April 17 , 2014

*E. Timothy Wallin*

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