

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ERIC HOFFMAN REVOCABLE LIVING TRUST
0836 SW CURRY ST SUITE 2000
PORTLAND, OR 97239

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

APPLICATION FILE NUMBER: G-17617

SOURCE OF WATER: WELL 2 (DESC 9497), WELL 3 (DESC 52354/L31676), AND WELL 4 (DESC 56749/L68933) IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 5.5 ACRES

MAXIMUM RATE: 0.07 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 8, 2013

WELL LOCATIONS:

WELL 2 (DESC 9497) - SE ¼ SW ¼, SECTION 6, T17S, R12E, W.M.; 800 FEET NORTH AND 465 FEET WEST FROM S1/4 CORNER, SECTION 6

WELL 3 (DESC 52354/L31676) - SE ¼ SW ¼, SECTION 6, T17S, R12E, W.M.; 10 FEET NORTH AND 210 FEET WEST FROM S1/4 CORNER, SECTION 6

WELL 4 (DESC 56749/L68933) - SE ¼ SW ¼, SECTION 6, T17S, R12E, W.M.; 690 FEET NORTH AND 300 FEET WEST FROM S1/4 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 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE ¼ SW ¼ 5.4 ACRES

SW ¼ SE ¼ 0.1 ACRE

SECTION 6

TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

Measurement devices, and recording/reporting of annual water use 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 device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Ground Water Mitigation Conditions:

- A. Mitigation Obligation: 9.9 acre-feet of mitigation water in the Middle Deschutes Zone of Impact.
- B. Mitigation Source: 4.46 mitigation credits from mitigation project MP-27 (permanent instream transfer T-9824) within the Middle Deschutes Zone of Impact, and 5.44 mitigation credits from a chartered mitigation bank, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610, within the Middle Deschutes Zone of Impact.
- C. Mitigation water must be legally protected instream in the Middle Deschutes Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
- D. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.
- E. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the

use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.

- F. Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

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.

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. 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 May 30, 2014



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