

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.  
PO BOX 287  
DURKEE, OR 97905

**This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11808 and approved by Special Order Vol. 93, Page 1099, entered January 15, 2015, and to describe an extension of time for complete application of water approved March 21, 2014, and a Permit Amendment under Permit Amendment Application T-10902 approved by Special Order Vol. 79, Page 67, entered October 13, 2009, and a Correcting Final Order approved by Special Order Vol. 80, Page 271, entered February 11, 2010. This permit supersedes Permit G-16250.**

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, PROPOSED WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, AND WELL 11, IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

## Authorized Points of Appropriation:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances                                                           |
|------|------|-----|-----|-------|------------------------------------------------------------------------------|
| 12 S | 43 E | WM  | 15  | NE NE | WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15    |
| 12 S | 43 E | WM  | 11  | NW SW | WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11   |
| 12 S | 43 E | WM  | 10  | SE SE | WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10    |
| 12 S | 43 E | WM  | 11  | NW SW | WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11  |
| 12 S | 43 E | WM  | 11  | NE SW | WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11  |
| 12 S | 43 E | WM  | 11  | NE SW | WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11  |
| 12 S | 43 E | WM  | 10  | SE SE | WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10    |
| 12 S | 43 E | WM  | 15  | NE NE | WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15   |
| 12 S | 43 E | WM  | 11  | SE SW | WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11 |

## Authorized Place of Use:

| MINING AND INDUSTRIAL USE |      |     |     |       |
|---------------------------|------|-----|-----|-------|
| Twp                       | Rng  | Mer | Sec | Q-Q   |
| 12 S                      | 43 E | WM  | 10  | NE NE |
| 12 S                      | 43 E | WM  | 10  | NW NE |
| 12 S                      | 43 E | WM  | 10  | SW NE |
| 12 S                      | 43 E | WM  | 10  | SE NE |
| 12 S                      | 43 E | WM  | 10  | SE NW |
| 12 S                      | 43 E | WM  | 10  | NE SW |
| 12 S                      | 43 E | WM  | 10  | NW SW |
| 12 S                      | 43 E | WM  | 10  | SW SW |
| 12 S                      | 43 E | WM  | 10  | SE SW |
| 12 S                      | 43 E | WM  | 10  | NE SE |
| 12 S                      | 43 E | WM  | 10  | NW SE |
| 12 S                      | 43 E | WM  | 10  | SW SE |
| 12 S                      | 43 E | WM  | 10  | SE SE |
| 12 S                      | 43 E | WM  | 11  | NE NW |
| 12 S                      | 43 E | WM  | 11  | NW NW |
| 12 S                      | 43 E | WM  | 11  | SW NW |
| 12 S                      | 43 E | WM  | 11  | SE NW |
| 12 S                      | 43 E | WM  | 11  | NE SW |
| 12 S                      | 43 E | WM  | 11  | NW SW |
| 12 S                      | 43 E | WM  | 11  | SW SW |
| 12 S                      | 43 E | WM  | 11  | SE SW |
| 12 S                      | 43 E | WM  | 11  | NW SE |
| 12 S                      | 43 E | WM  | 11  | SW SE |
| 12 S                      | 43 E | WM  | 14  | NW NW |
| 12 S                      | 43 E | WM  | 15  | NE NE |
| 12 S                      | 43 E | WM  | 15  | NW NE |

| MINING AND INDUSTRIAL USE |      |     |     |       |
|---------------------------|------|-----|-----|-------|
| Twp                       | Rng  | Mer | Sec | Q-Q   |
| 12 S                      | 43 E | WM  | 15  | NE NW |
| 12 S                      | 43 E | WM  | 15  | NW NW |
| 12 S                      | 43 E | WM  | 16  | NE NE |
| 12 S                      | 43 E | WM  | 16  | NW NE |
| 12 S                      | 43 E | WM  | 16  | SW NE |
| 12 S                      | 43 E | WM  | 16  | SE NE |

**Permit Amendment T-11808 Conditions:**

Prior to use, the proposed additional point of appropriation, Well No. 11 (Well ID Label L-109659), shall be reconstructed to be continuously cased and continuously sealed from at least land surface to a depth of 60 feet below land surface or five feet into the confining formation, whichever is deeper.

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.22 cfs per well, being 0.66 cfs total under the permit).

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

**Existing Permit Conditions:**

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 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.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted wells. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user'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.

### **STANDARD CONDITIONS**

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 not be valid, 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 wells 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 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.

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 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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 15, 2015.



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

