

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NF LAND LLC  
2885 SANFORD AVE SW #21711  
GRANDVILLE, MI 49418

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

APPLICATION FILE NUMBER: G-17604

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 15 IN NORTH FORK WALLA WALLA RIVER BASIN

STORAGE FACILITIES: RESERVOIR 1, RESERVOIR 2, RESERVOIR 3, AND RESERVOIR 4

MAXIMUM RATE: 6.47 CUBIC FEET PER SECOND

MAXIMUM ANNUAL VOLUME: 300.0 ACRE FEET, WHICH INCLUDES UP TO 27.0 ACRE FEET OF STORED GROUND WATER IN RESERVOIRS 1 - 4

PURPOSE OR USE: IRRIGATION OF 517.9 ACRES MARCH 1 THROUGH NOVEMBER 30; STORED GROUND WATER, YEAR-ROUND

DATE OF PRIORITY: DECEMBER 11, 2012

WELL LOCATIONS:

WELL 1: SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 24, T5N, R36E, W.M.; 1060 FEET NORTH AND 885 FEET WEST FROM C1/4 CORNER, SECTION 24

WELL 2: NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 24, T5N, R36E, W.M.; 620 FEET SOUTH AND 60 FEET WEST FROM N1/4 CORNER, SECTION 24

WELL 3: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 13, T5N, R36E, W.M.; 45 FEET NORTH AND 1200 FEET EAST FROM SW CORNER, SECTION 13

WELL 4: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 13, T5N, R36E, W.M.; 1200 FEET NORTH AND 900 FEET EAST FROM S1/4 CORNER, SECTION 13

WELL 5: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 13, T5N, R36E, W.M.; 470 FEET NORTH AND 250 FEET WEST FROM S1/4 CORNER, SECTION 13

WELL 6: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 24, T5N, R36E, W.M.; 360 FEET SOUTH AND 1270 FEET EAST FROM N1/4 CORNER, SECTION 24

WELL 7: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 13, T5N, R36E, W.M.; 1240 FEET NORTH AND 300 FEET WEST FROM S1/4 CORNER, SECTION 13

WELL 8: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 23, T5N, R36E, W.M.; 695 FEET SOUTH AND 125 FEET EAST FROM N1/4 CORNER, SECTION 23

WELL 9: NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 24, T5N, R36E, W.M.; 1250 FEET SOUTH AND 260 FEET EAST FROM NW CORNER, SECTION 24

WELL 10: NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 23, T5N, R36E, W.M.; 720 FEET SOUTH AND 215 FEET EAST FROM NW CORNER, SECTION 23

WELL 11: NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 24, T5N, R36E, W.M.; 375 FEET SOUTH AND 825 FEET EAST FROM NW CORNER, SECTION 24

WELL 12: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 23, T5N, R36E, W.M.; 725 FEET SOUTH AND 1190 FEET EAST FROM N1/4 CORNER, SECTION 23

WELL 13: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 14, T5N, R36E, W.M.; 585 FEET NORTH AND 580 FEET EAST FROM S1/4 CORNER, SECTION 14

WELL 14: NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 23, T5N, R36E, W.M.; 895 FEET SOUTH AND 370 FEET WEST FROM NE CORNER, SECTION 23

WELL 15: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 14, T5N, R36E, W.M.; 245 FEET NORTH AND 340 FEET EAST FROM S1/4 CORNER, SECTION 14

RESERVOIR LOCATIONS:

RESERVOIR 1: SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 14, T5N, R36E, W.M.; 1150 FEET NORTH AND 175 FEET WEST FROM SE CORNER, SECTION 14

RESERVOIR 2: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 13, T5N, R36E, W.M.; 1175 FEET NORTH AND 1025 FEET WEST FROM S1/4 CORNER, SECTION 13

RESERVOIR 3: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 13, T5N, R36E, W.M.; 1180 FEET NORTH AND 100 FEET WEST FROM S1/4 CORNER, SECTION 13

RESERVOIR 4: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 24, T5N, R36E, W.M.; 650 FEET SOUTH AND 1300 FEET EAST FROM N1/4 CORNER, SECTION 24

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:

	<u>IRRIGATION</u>	<u>STORAGE</u>
SW ¼ SW ¼	40.0 ACRES	
SE ¼ SW ¼	40.0 ACRES	X
SW ¼ SE ¼	40.0 ACRES	X
	SECTION 13	
SE ¼ SW ¼	18.5 ACRES	
SW ¼ SE ¼	40.0 ACRES	
SE ¼ SE ¼	40.0 ACRES	X
	SECTION 14	
NE ¼ NE ¼	25.4 ACRES	
NW ¼ NE ¼	9.8 ACRES	
	SECTION 22	
NE ¼ NE ¼	33.4 ACRES	
NW ¼ NE ¼	28.0 ACRES	
NW ¼ NW ¼	24.7 ACRES	
	SECTION 23	
NW ¼ NE ¼	40.1 ACRES	X
SW ¼ NE ¼	33.5 ACRES	
NE ¼ NW ¼	40.0 ACRES	
NW ¼ NW ¼	40.0 ACRES	
SW ¼ NW ¼	6.5 ACRES	
SE ¼ NW ¼	18.0 ACRES	
	SECTION 24	

TOWNSHIP 5 NORTH, RANGE 36 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 devices 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.

**Dedicated Measuring Tube:** Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

**Dedicated Observation Well:** The permittee shall construct one four-inch observation well to penetrate the same aquifer as the production well(s), prior to any ground water use authorized by this permit. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous groundwater-level monitoring equipment. The landowner and permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring groundwater levels.

Upon reasonable notice, the permittee shall allow Department staff access to the observation and production wells. Department staff will periodically measure water levels in the observation and production wells for the purpose of evaluating the appropriation's impact to the resource.

Annual Measurement Condition:

The Department requires the water user to measure and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial February or March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR

690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The Department may require the discontinuance of ground water use, 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 restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on 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 causing substantial interference with senior water rights. The water user shall not 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.

Ground water production shall occur only from a single aquifer in the Columbia River Basalt groundwater reservoir.

Ground water production shall occur no deeper than a bottom hole elevation of 1,100 feet.

Well 8 through Well 15 shall be constructed in a different aquifer than that developed by any City of Milton-Freewater municipal well.

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 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 February 9, 2015



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director