

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BIG VALLEY WOODS WATER CORPORATION
32700 LEEWOOD LANE SE
BORING, OR 97009

503-668-4443

This superseding permit is issued to describe an amendment for a point of appropriation and a change in place of use proposed under Permit Amendment Application T-11941 and approved by Special Order Vol. 96, Page 3032, entered JUN 01 2015, and an amendment for a point of appropriation proposed under Permit Amendment Application T-10388 and approved by Special Order Vol. 72, Pages 338-341, entered June 14, 2007, and to describe an extension of time for complete application of water approved November 14, 2014. This permit supersedes Permit G-15886.

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

APPLICATION FILE NUMBER: G-16136

SOURCE OF WATER: EXISTING WELL 1 (CLAC 6011), EXISTING WELL 2 (CLAC 18739), EXISTING WELL 3 (CLAC 6366), EXISTING WELL 4 (CLAC 18741), PROPOSED WELL A, NEW PROPOSED WELL B, PROPOSED WELL C, PROPOSED WELL D, ORION WELL 5 (PROPOSED WELL E)(CLAC 62533) AND PROPOSED WELL F IN DEEP CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USES

MAXIMUM RATE: 3.0 CUBIC FEET PER SECOND, LIMITED TO 220.85 ACRE FEET PER YEAR

PERIOD OF USE: EXISTING WELLS 1, 2, 3 AND 4: DECEMBER 1 THROUGH MAY 31

PROPOSED WELLS A, B, C, D, E AND F: YEAR ROUND

DATE OF PRIORITY: OCTOBER 21, 2004

WELL LOCATIONS:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|--|
| 2 S | 4 E | WM | 21 | SW SW | EXISTING WELL 1 (CLAC 6011) - 1147.1 FEET NORTH AND 489.4 FEET EAST FROM THE SW CORNER OF SECTION 21 |
| 2 S | 4 E | WM | 20 | NE SE | EXISTING WELL 2 (CLAC 18739) - 1725 FEET NORTH AND 327.6 FEET WEST FROM THE SE CORNER OF SECTION 20 |
| 2 S | 4 E | WM | 20 | SW SE | EXISTING WELL 3 (CLAC 6366) - 119.9 FEET NORTH AND 2538.9 FEET WEST FROM THE SE CORNER OF SECTION 20 |
| 2 S | 4 E | WM | 20 | NE SW | EXISTING WELL 4 (CLAC 18741) - 2394.2 FEET NORTH AND 2913.5 FEET WEST FROM THE SE CORNER OF SECTION 20 |

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|--|
| 2 S | 4 E | WM | 21 | SE SW | ORION WELL 5 (PROPOSED WELL E)(CLAC 62533) - 1051.6 FEET NORTH AND 1018.2 FEET EAST FROM THE SW CORNER OF SECTION 21 |
| 2 S | 4 E | WM | 20 | SE SE | PROPOSED WELL A - 254.1 FEET NORTH AND 552.9 FEET WEST FROM THE SE CORNER OF SECTION 20 |
| 2 S | 4 E | WM | 20 | NW SE | NEW PROPOSED WELL B - 2516 FEET NORTH AND 2212 FEET WEST FROM THE SE CORNER OF SECTION 20 |
| 2 S | 4 E | WM | 20 | SW SE | PROPOSED WELL C - 63.6 FEET NORTH AND 2544.4 FEET WEST FROM THE SE CORNER OF SECTION 20 |
| 2 S | 4 E | WM | 20 | NE SE | PROPOSED WELL D - 1789.1 FEET NORTH AND 325.1 FEET WEST FROM THE SE CORNER OF SECTION 20 |
| 2 S | 4 E | WM | 21 | SE SW | PROPOSED WELL F - 584.1 FEET NORTH AND 1420.9 FEET EAST FROM THE SW CORNER OF SECTION 21 |

THE PLACE OF USE IS LOCATED AS FOLLOWS:

| QUASI-MUNICIPAL USES | | | | |
|----------------------|-----|-----|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q |
| 2 S | 4 E | WM | 20 | NE SW |
| 2 S | 4 E | WM | 20 | SE SW |
| 2 S | 4 E | WM | 20 | NE SE |
| 2 S | 4 E | WM | 20 | NW SE |
| 2 S | 4 E | WM | 20 | SW SE |
| 2 S | 4 E | WM | 20 | SE SE |
| 2 S | 4 E | WM | 20 | SW NE |
| 2 S | 4 E | WM | 21 | SW SW |
| 2 S | 4 E | WM | 21 | SE SW |

Permit Amendment T-10388 and T-11941 Conditions:

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.

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The well shall be open to a single aquifer of the Columbia River Basalt Group and shall meet the applicable well construction standards (OAR 690-200 and OAR 690-210). In addition, the open interval in the well shall be no greater than 100 feet. An open interval of greater than 100 feet may be allowed if substantial evidence of a single aquifer completion can be demonstrated to the satisfaction of the Department’s Groundwater Section using information from a video log,

downhole flowmeter, water chemistry and temperature, or other downhole geophysical methods. These methods shall characterize the nature of the basalt rock and assess whether water is moving in the borehole. Any discernable movement of water within the well bore when the well is not being pumped shall be assumed as evidence of the presence of multiple aquifers in the open interval.

A dedicated water-level measuring tube shall be installed in the well. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, access to the wells shall be provided to Department staff in order to make water-level measurements.

The applicant shall coordinate with the driller to ensure that drill cuttings shall be collected at 10 feet intervals and at changes in formation in each well. A split of each sampled interval shall be provided to the Department.

Copies of all geologic and hydrogeologic reports completed for the permittee during the development of the well, including geophysical well logs and borehole video logs, shall be provided to the Department. Except for borehole video logs, two paper copies, or a single electronic copy, shall be provided of each report. Digital tables of any data shall be provided upon request.

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

Original Permit Conditions:

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 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 subsequently reduced.

Conditions for Existing Well 1 (CLAC 6011), Existing Well 2 (CLAC 18739), Existing Well 3 (CLAC 6366), and Existing Well 4 (CLAC 18741):

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make 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 Measurements

The Department requires the permittee to submit 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

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. 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; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 15 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual 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.

Conditions for Proposed Well A, Proposed Well B, Proposed Well C, Proposed Well D, Proposed Well E, and Proposed Well F:

- (1) 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.
- (2) 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.
- (3) 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 in section (1) are evidenced by the well measurement required in section (3).

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.

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 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 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.

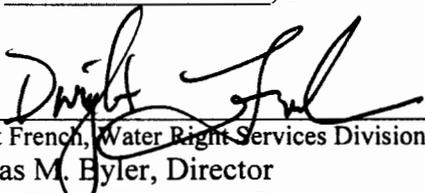
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Complete application of the water to the use shall be made on or before October 1, 2025. 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 June 1, 2015


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

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Water users involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.