

STATE OF OREGON

COUNTY OF CURRY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES A. BUSSMAN
PO BOX 211
SIXES, OREGON 97476

This superseding permit is issued to describe an amendment for a change in point of appropriation proposed under Permit Amendment Application T-11966 and approved by Special Order Vol. 96, Pages 71-82 centered September 2, 2015, and to describe an extension of time for complete application of water approved July 25, 2014. This permit supersedes Permit G-13757.

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

APPLICATION FILE NUMBER: G-14631

SOURCE OF WATER: A WELL IN SUMMERS CREEK BASIN

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE GROUNDWATER AND STORED WATER: CRANBERRY USE ON 42.0 ACRES

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 0.25 CUBIC FOOT PER SECOND FOR STORAGE OR CRANBERRY USE

MAXIMUM VOLUME OF STORAGE: 74.0 ACRE-FEET EACH YEAR

PERIOD OF USE FROM GROUNDWATER AND/OR STORED WATER: YEAR ROUND

WATER MAY BE APPROPRIATED FROM STORAGE DURING THE PERIOD: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 3, 1997

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	15 W	WM	4	NW NW	POA-2 - 1430 FEET NORTH AND 425 FEET EAST FROM THE W¼ CORNER OF SECTION 4
32 S	15 W	WM	4	SW NW	RESERVOIR - 733 FEET NORTH AND 474 FEET EAST FROM W¼ CORNER, SECTION 4

RESERVOIR LOCATION:

Twp	Rng	Mer	Sec	Q-Q
32 S	15 W	WM	4	SW NW

The area to be submerged by the reservoir, when full, will be 2.3 acres and the maximum depth of water will be 25.0 feet. The maximum height of the dam shall not exceed 9.5 feet.

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE AND AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

CRANBERRY					
Twp	Rng	Mer	Sec	Q-Q	Acres
32 S	15 W	WM	4	NW NW	24.7
32 S	15 W	WM	4	SW NW	17.3

Permit Amendment T-11966 Conditions

1. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	15 W	WM	4	SW NW	809 FEET NORTH AND 287 FEET EAST FROM THE W¼ CORNER OF SECTION 4

2. Prior to water use from the proposed point of appropriation, the permittee shall install a totalizing flow meter on the well. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645 (1) through (3). The permittee 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.

The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

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

Extension of Time Conditions:

1. Permit Amendment and Monitoring Plan – Within six months of the issuance of a Final Order approving an extension of time for Permit G-13757 (superseded by Permit G-17500), the permit holder shall submit an Application for a Permit Amendment pursuant to ORS 537.211 requesting the authorization of the domestic well CURR 1579 (reconditioned as CURR 51091) for use under Permit G-13757 (superseded by Permit G-17500). The permit holder shall also submit a plan to monitor and report the impact of water use under Permit G-13757 (superseded by Permit G-17500) on water levels within the aquifer, as specified by the permit, within the same six-month period. Failure to satisfy these conditions will disqualify the permit from any future extension of time.
2. Checkpoint Condition – The permit holder must submit a completed Progress Form to the Department by **October 1, 2017**.
 - a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines that the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
 - b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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.
- 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 well(s). 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 well(s) 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 10 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 well(s). Such action shall be taken until the water level recovers to above the 10-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.

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 permit holder shall have formation samples collected by the well driller for each well drilled under this permit. The sampling interval shall be every five feet, including any formation changes between the five foot intervals. Each sample bag shall be clearly identified with both the well number and depth sampled. The samples shall be submitted to the Department upon completion of drilling.

STANDARD GROUNDWATER USE CONDITIONS

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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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.

STANDARD RESERVOIR CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining water level or maintaining a suitable fresh water condition.

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.

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.

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.

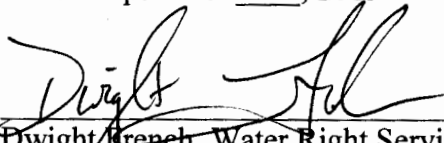
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well and the reservoir shall begin by July 30, 2000. Complete application of the water to the use shall be made on or before October 1, 2018. 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 September 2, 2015


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