

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WINEMAKERS, LLC  
1410 LAKESIDE COURT SUITE 109  
YAKIMA, WA 98902

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

APPLICATION FILE NUMBER: G-15071

SOURCE OF WATER: WELL 1 AND WELL 2 WITHIN THE BATTLE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 70.0 ACRES

MAXIMUM RATE: THE USE OF WATER UNDER THIS PERMIT SHALL BE LIMITED TO A TOTAL COMBINED CUMULATIVE DIVERSION WITH THE WATER RIGHTS ISSUED UNDER PERMITS G-17738 AND G-17739 OF NOT MORE THAN 0.134 CUBIC FOOT PER SECOND AT ANY ONE TIME

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 14, 1999

WELL LOCATIONS:

WELL 1: SE 1/4 NW 1/4, SECTION 25, T8S, R3W, W.M.; 620 FEET SOUTH & 1230 FEET WEST FROM C-N 1/16 CORNER, SECTION 25

WELL 2: SE 1/4 NW 1/4, SECTION 25, T8S, R3W, W.M.; 620 FEET SOUTH & 615 FEET WEST FROM C-N 1/16 CORNER, SECTION 25

**Appeal Rights**

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The use of water under this permit will expire on October 1, 2020. The permit may be renewed for additional periods of time, not to exceed five years each, if the Director finds that the groundwater resource can support the continued use.

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 (or its equivalent) and 1.0 acre-foot for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 18.4 ACRES  
SE 1/4 NW 1/4 16.8 ACRES  
NE 1/4 SW 1/4 20.8 ACRES  
NW 1/4 SW 1/4 14.0 ACRES  
SECTION 25  
TOWNSHIP 8 SOUTH, RANGE 3 WEST, 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 Director may require the permittee to keep and maintain a record of the volume of water diverted, 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Failure to provide March static water level measurements will likely result in suspension of water use from the well(s) authorized under this permit, until compliance with the annual measurement requirement is met.

For the purpose of considering subsequent renewals of this permit, the Department will be using the initial March measurement as the reference static water level.

Irrigation shall be by drip or an equally efficient method.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

- (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**

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.

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.

Issued March 9, 2017

*E. Timothy Wallin*

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

