

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ELSINORE DEVELOPMENT GROUP LLC
9955 SW POTANO ST
TUALATIN, OR 97062

This superseding permit is issued to describe an amendment for an additional point of appropriation under Permit Amendment Application T-12490 and approved by Special Order Vol. 107, Page 766, entered March 5, 2018, and to describe an extension of time for complete application of water approved August 7, 2015. This permit supersedes Permit G-16070.

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

APPLICATION FILE NUMBER: G-16504

SOURCES OF WATER: WELL 1, WELL 2, WELL 3, KURTH WELL 1, KURTH WELL 2 AND WHITE WELL 1 IN WILLAMETTE RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 39.9 ACRES

MAXIMUM RATE/VOLUME: 0.5 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 1, 2005

LOCATION OF WELLS

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	28	SW SE	WELL 1 – 940 FEET NORTH AND 330 FEET EAST FROM THE S¼ CORNER OF SECTION 28
3 S	1 W	WM	28	SE SW	WELL 2 – 450 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 28
3 S	1 W	WM	28	SE SW	WELL 3 – 260 FEET NORTH AND 630 FEET WEST FROM S¼ CORNER OF SECTION 28
3 S	1 W	WM	28	SW SE	KURTH WELL 1 – 665 FEET NORTH AND 1770 FEET WEST FROM THE SE CORNER OF SECTION 28
3 S	1 W	WM	28	SW SE	KURTH WELL 2 – 685 FEET NORTH AND 1600 FEET WEST FROM THE SE CORNER OF SECTION 28
3 S	1 W	WM	28	SW SW	WHITE WELL 1 – 30 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 28

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	28	NE SW	3.7
3 S	1 W	WM	28	SE SW	20.5
3 S	1 W	WM	28	NW SE	4.2
3 S	1 W	WM	28	SW SE	11.5
Total					39.9

Permit Amendment T-12490 Conditions:

1. The combined quantity of water diverted at the new points of appropriation (Kurth Wells 1 and 2, and White Well 1), together with that diverted at the old points of appropriation (Wells 1, 2 and 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 2 and 3).

Extension of Time Conditions:

1. Last Extension Condition

This is to be the last extension of time granted for Permit G-16070. Any future extension of time request will be denied

2. Checkpoint Condition

- 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 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.

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install and maintain a properly functioning totalizing flow. The permittee shall maintain the meter 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.
- 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 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 wells shall produce water from the alluvial ground water reservoir only.

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 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 of the Construction and Maintenance of Water Wells in Oregon. The works constructed shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water 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.

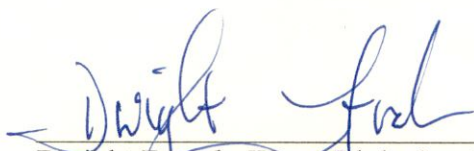
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The original permit was issued July 20, 2006. Completion of construction and application of the water to the use was to be made on or before October 1, 2010. By Extension of Time Final order dated August 7, 2015, the deadline for complete application of water to use was extended to October 30, 2023.

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 MAR 05 2018



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