

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROGER AND SUSAN RUCKERT  
33776 RIDGE DR  
TANGENT, OR. 97389

NORTHWEST FARM CREDIT SERVICES, FLCA  
NORTHWEST FARM CREDIT SERVICES, PCA  
P.O. BOX 13309  
SALEM, OR. 97309

This superseding permit is issued to describe an amendment for changes in points of appropriation and an additional point of appropriation proposed under Permit Amendment Application T-12778 and approved by Special Order Vol. 112, Page 218, entered JAN 02 2019, an assignment approved on September 14, 2011, and to describe an extension of time for complete application of water approved December 24, 2015. This permit supersedes Permit G-14063.

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

APPLICATION FILE NUMBER: G-15280

SOURCE OF WATER: THREE WELLS IN THE CALAPOOIA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 190.0 ACRES

MAXIMUM RATE: 1.38 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 12, 2001

**AUTHORIZED POINTS OF APPROPRIATION:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	3 W	WM	27	NW NE	WELL 1- 55- FEET SOUTH AND 3100 FEET WEST FROM THE NE CORNER OF SECTION 27
12 S	3 W	WM	27	NW NE	WELL 2- 50 FEET SOUTH AND 1960 FEET WEST FROM THE NE CORNER OF SECTION 27
12 S	3 W	WM	27	NE NW	WELL 3- 120 FEET SOUTH AND 3365 FEET WEST FROM THE NE CORNER OF SECTION 27

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 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
12 S	3 W	WM	27	NE NE	40.0
12 S	3 W	WM	27	NW NE	40.0
12 S	3 W	WM	27	SW NE	40.0
12 S	3 W	WM	27	SE NE	40.0
12 S	3 W	WM	27	NE NW	10.0
12 S	3 W	WM	27	SE NW	20.0
TOTAL					190.0

**Permit Amendment T-12778 Conditions:**

The combined quantity of water diverted at the new point of appropriation (WELL 3), together with that diverted at the old points of appropriation (WELLS 1 & 2), shall not exceed the quantity of water lawfully available at the original points of appropriation as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	3 W	WM	27	NE NW	WELL 1 (Original) - 50 FEET SOUTH AND 3071 FEET WEST FROM THE NE CORNER OF SECTION 27
12 S	3 W	WM	27	NW NE	WELL 2 (Original) - 45 FEET SOUTH AND 2170 FEET WEST FROM THE NE CORNER OF SECTION 27

The quantity of water diverted at the new points of appropriation (Wells 1 and 2) shall not exceed the quantity of water lawfully available at the original points of appropriation as described in the preceding paragraph.

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 new point of appropriation.
- 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.

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

**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.

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.

**Original Permit Conditions**

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 interferences.

**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 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 examine, registered professional geologist, a registered professional engineer, licensed well constructor or pump installer licensed by the Constructions 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 annual 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 year; or
- C. A water level decline of 25 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.

**Amended Original Condition**

Production under this permit is limited to the alluvial sediments.

**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.

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.

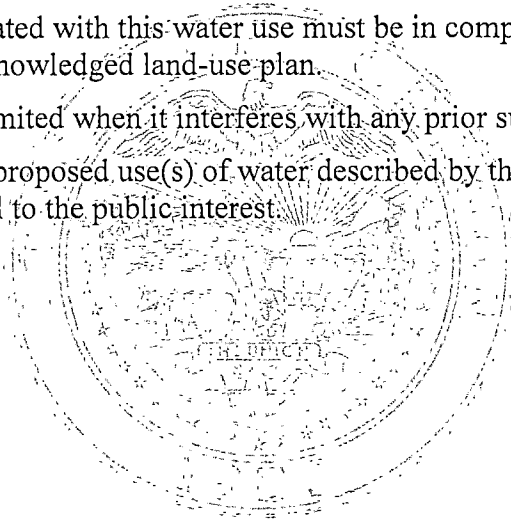
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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.

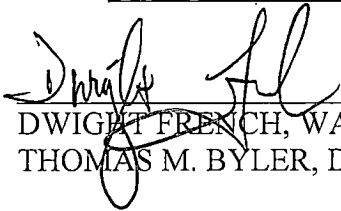
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The 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.



Completion application of the water to the use shall be made on or before October 1, 2005. By Extension of Time Final Order dated December 24, 2015, the completion of construction and application of water to the use was extended to on or before October 1, 2019. 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 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 Right Examiner. (CWRE)

Issued JAN 02 2019



DWIGHT FRENCH, WATER RIGHT SERVICES ADMINISTRATOR, FOR  
THOMAS M. BYLER, DIRECTOR

NOTE: 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.