

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SHAWN AND KIMBERLY SCHURTER  
10520 SUNNYVIEW ROAD NE  
SALEM, OREGON 97317

This superseding permit is issued to describe an amendment for a change in point of appropriation under Permit Amendment Application T-12902 and, approved by Special Order Volume 113, Page 459, entered on June 25, 2019; and to describe an extension of time for complete application of water approved July 15, 2016, and an assignment of a portion of Permit G-11197 approved December 11, 2015. This permit supersedes Permit G-17694.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12085

SOURCE OF WATER: THREE WELLS IN THE PUDDING RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 43.4 ACRES

MAXIMUM RATE: 0.54 CUBIC FOOT PER SECOND

DATE OF PRIORITY: APRIL 24, 1990

THE WELLS ARE LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	1 W	WM	19	NE SE	48	WELL 1 - 1850 FEET NORTH AND 190 FEET WEST FROM THE SE CORNER OF SECTION 19
7 S	1 W	WM	19	SE SE	48	WELL 2 - 1240 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 19
7 S	1 W	WM	19	SE SE	48	WELL 3 - 875 FEET NORTH AND 75 FEET WEST FROM THE SE CORNER OF SECTION 19

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigation and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	NE SE	1.1
7 S	1 W	WM	19	SE SE	22.3
7 S	1 W	WM	20	SW SW	0.1
7 S	1 W	WM	30	NE NE	18.3
7 S	1 W	WM	30	NW NE	1.6
Total					43.4

Permit Amendment T-12902 Conditions:

The quantity of water diverted at the new points of appropriation (Well 1, Well 2, and Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation.

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

Extension of Time Conditions:

**Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020**.

- 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.

Existing Permit Conditions:

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The water user shall report a March static water level in the wells to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer.

Use of water from the well shall not be allowed under this permit if the well displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the wells are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

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.

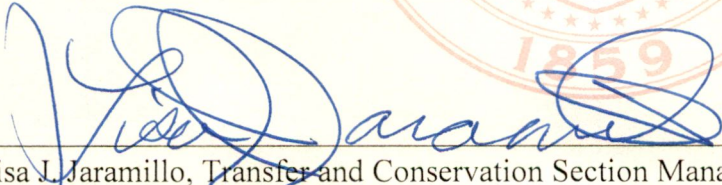
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

The original permit was issued February 25, 1991. Actual construction work was to begin on or before February 25, 1992, and be completed on or before October 1, 1992. Complete application of the water to the use was to be made on or before October 1, 1993. By an Extension of Time issued July 15, 2016, the deadline for completing construction and application of water to beneficial use was extended to October 1, 2021.

Issued                     JUN 25 2019                    

  
 Lisa L. Jaramillo, Transfer and Conservation Section Manager, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department