

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JACK HEMPICINE, LLC.
ATTN: SETH CRAWFORD
7744 NW MINT AVE.
ALBANY, OR 97321

SOL-SISTERS, INC.
ATTN: DEANNA HART
3986 SOMERSET DR NE
ALBANY, OR 97322

CLAY AND RHONDA JOHNSON
PO BOX 3381
SUNRIVER, OR 97707

DONALD AND SHARON ROBERTS
PO BOX 3381
SUNRIVER, OR 97707

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-12811 and approved by Special Order Vol. 116, Page 123, entered FEB 13 2020, and to describe an extension of time for complete application of water approved September 18, 2015 and assignments to new permittees approved November 6, 2017 and July 23, 2019. This permit supersedes Permit G-15505.

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

APPLICATION FILE NUMBER: G-15938

SOURCE OF WATER: WELL 1, WELL 2, WELL 3 and WELL 5 IN NORTH FORK ASH CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 92.5 ACRES AND MAINTENANCE OF A POND FOR MULTIPURPOSE USE, PERMIT R-14012

MAXIMUM RATE: 0.89 CUBIC FOOT PER SECOND

PERIOD OF USE: JUNE 1 THROUGH OCTOBER 31

Application G-15938/T-12811.tls Water Resources Department

PERMIT G-18297

DATE OF PRIORITY: MARCH 4, 2003

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	7	SW SW	WELL 5 – (POLK 54245) 835 FEET NORTH AND 1160 FEET EAST FROM THE SW CORNER OF SECTION 7
8 S	4 W	WM	7	SW SW	WELL 3 – (POLK 375) 540 FEET NORTH AND 1090 FEET EAST FROM THE SW CORNER OF SECTION 7
8 S	4 W	WM	18	NW NW	WELL 1 (L-65554) – 300 FEET SOUTH AND 937 FEET EAST FROM THE NW CORNER OF SECTION 18
8 S	4 W	WM	18	NW NW	ORIGINAL WELL 2 (POLK 3227)- 1025 FEET SOUTH AND 910 FEET EAST FROM THE NW CORNER OF SECTION 18

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Points of Appropriation
8 S	4 W	WM	7	SW SW	25.44	WELLS 1, 2, 3, AND 5
8 S	4 W	WM	7	SE SW	5.45	WELLS 1, 2, 3, AND 5
8 S	4 W	WM	18	NE NW	3.25	WELLS 1, 2, 3, AND 5
8 S	4 W	WM	18	NE NW	3.25	WELL 2
8 S	4 W	WM	18	NW NW	1.04	WELLS 1, 2, 3, AND 5
8 S	4 W	WM	18	NW NW	25.42	WELL 2
8 S	4 W	WM	18	SW NW	23.70	WELL 2
8 S	4 W	WM	18	SE NW	4.95	WELL 2
TOTAL					92.50	

POND MAINTENANCE						
Twp	Rng	Mer	Sec	Q-Q	Authorized Point of Appropriation	
8 S	4 W	WM	7	SW SW	WELL 2	
8 S	4 W	WM	18	NW NW	WELL 2	
8 S	4 W	WM	18	SW NW	WELL 2	

Permit Amendment T-12811 Conditions

The combined quantity of water diverted at the new additional points of appropriation (Well 1, Well 3, and Well 5), together with that diverted at the old point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).

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 point of appropriation (new and existing).
- 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 point of appropriation (Well 2).

Extension of Time Conditions

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2019 and 2024.

- 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 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

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.

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 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 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 is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction 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 any of the following events:

- A) An average water level decline of three 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 years; 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.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

STANDARD 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 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 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.

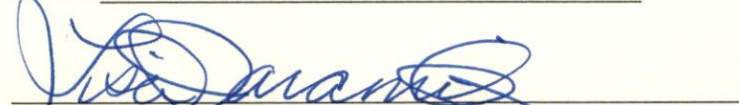
The Director finds that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use was to be made on or before October 1, 2008. By extension of time final order dated September 18, 2015, the completion of the application of water was extended to on or before October 1, 2025. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must 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).

FEB 13 2020

Issued _____



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

