

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BROADPEAK BW LLC & BLACK WALNUT LLC
ATTN: JOHN HULL, RANDE HOLDINGS LLC
47 STATE ST. SUITE 200
LAKE OSWEGO, OR 97034

This superseding permit is issued to describe an amendment for an additional point of appropriation and a change in place of use proposed under Permit Amendment Application T-13225 and approved by Special Order Vol. 116, Page 611, entered APR 30 2020, and to describe an extension of time for complete application of water approved on May 31, 2019, and assignments approved on March 20, 2017. This permit supersedes Permit G-15571.

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

APPLICATION FILE NUMBER: G-16008

SOURCE OF WATER: TWO WELLS IN HESS CREEK BASIN

PURPOSE OR USE: AGRICULTURE USE; IRRIGATION USE ON 40.0 ACRES

MAXIMUM RATE: 0.078 CUBIC FOOT PER SECOND (CFS), BEING 0.022 CFS FOR AGRICULTURE USE AND 0.056 CFS FOR IRRIGATION USE ON 40.0 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 13, 2003

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	3 W	WM	22	SW SW	POA #2 - 561 FEET NORTH AND 1278 FEET EAST FROM THE SW CORNER OF SECTION 22
3 S	3 W	WM	28	NE NE	POA #1 - 740 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF SECTION 28

The amount of water used for irrigation under this rights, 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:

AGRICULTURE AND IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	3 W	WM	22	SW SW	6.7
3 S	3 W	WM	22	SE SW	5.0
3 S	3 W	WM	27	NW NW	19.2
3 S	3 W	WM	28	NE NE	9.1
TOTAL					40.0

Permit Amendment T-13225 Conditions:

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

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

The former place of use of the transferred right shall no longer receive water under the right.

Original Permit Conditions:

1. 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, 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.
- (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).

The use of water under terms of this permit or certificate is subject to regulation concurrent with or prior to regulation of a senior water user competing for water from the same source when regulation is the result of water level declines that exceed limits specified in the senior permit or certificate.

STANDARD CONDITIONS

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.

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.

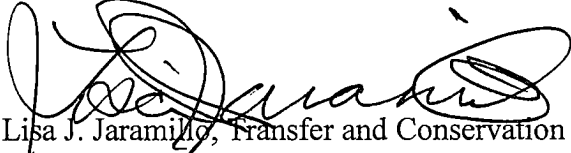
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

The original permit was issued on March 11, 2004. 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 May 31, 2019, the deadline for completing construction and for complete application of water to use was extended to October 1, 2024. If the water is not completely applied before this date, and the permittee wishes to continue development under this 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 Rights Examiner (CWRE).

Issued APR 30 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director

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.