

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 an additional point of appropriation proposed under Permit Amendment Application T-13373 and approved by Special Order Vol. 117, Page 267 entered AUG 11 2020, to describe an amendment for a change in point of appropriation under Permit Amendment T-12902 and approved by Special Order Vol. 113, page 459, entered June 25, 2019, to describe an extension of time for complete application of water approved on July 15, 2016, to describe assignments approved September 5, 2007, and December 14, 2015, and to describe a split a permit approved on March 1, 2017. This permit supersedes Permit G-18197.

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

APPLICATION FILE NUMBER: G-12085

SOURCE OF WATER: FOUR WELLS IN THE PUDDING RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 43.4 ACRES

MAXIMUM RATE: 0.54 CUBIC FEET PER SECOND

DATE OF PRIORITY: APRIL 24, 1990

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	1 W	WM	19	NE SE	48	WELL 1 – (MARI 61304) 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 – (MARI 61341) 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 – (MARI 60821) 875 FEET NORTH AND 75 FEET WEST FROM THE SE CORNER OF SECTION 19
7 S	1 W	WM	19	SE SE	48	WELL 4 – (MARI 61306) 20 FEET NORTH AND 345 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-13373 Conditions:

The combined quantity of water diverted at the new additional point of appropriation, (Well 4), together with that diverted at the old points of appropriation, (Well 1, Well 2, and Well 3), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 1, Well 2, and Well 3).

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

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 Conditions:

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 ORS 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:

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. 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.

STANDARD CONDITIONS

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.

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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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 substantially with any prior surface or ground water 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. 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).

AUG 11 2020

Dated in Salem, Oregon on _____



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