

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT SHALL EXPIRE OCTOBER 31, 2025

THIS PERMIT IS HEREBY ISSUED TO

EARL J. VAN VOLKINBURG
5295 DAVIS ST. SE
TURNER, OR 97392

KAY FREUND
ROBERT FREUND
3535 VITAE SPRINGS RD S
SALEM, OR 97306

This superseding permit is issued to correct scrivener's errors in the location of Wells 1, 2, and 3 in Permit G-18551 approved by Correcting Order entered June 30 2021 and recorded at Special Volume. 120, Page 1070 and to describe an amendment for a change in place of use approved under Permit Amendment Application T-13256, entered April 7, 2021 and recorded at Special Order Vol. 120, Page 68, and to describe an extension of time for complete application of water approved April 14, 2020, and December 11, 2020, and a partial assignment approved September 23, 2019. This permit supersedes Permit G-18551.

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

APPLICATION FILE NUMBER: G-12961

SOURCE OF WATER: WELL 1 (MARI 12101), WELL 2 (MARI 12102), AND WELL 3 (MARI 17884)
IN THE CROISAN CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 30.0 ACRES

MAXIMUM RATE: 0.11 CUBIC FOOT PER SECOND, OR ITS EQUIVALENT IN THE CASE OF
ROTATION, MEASURED AT THE WELL

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 4, 1992

AUTHORIZED POINTS OF APPROPRIATION:

| POA Name | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|----------|-----|-----|-----|-----|-------|--|
| WELL 2 | 8 S | 3 W | WM | 18 | NE SW | 1450 FEET NORTH AND 175 FEET WEST FROM THE S1/4 CORNER OF SECTION 18 |
| WELL 1 | 8 S | 3 W | WM | 18 | SE SW | 525 FEET NORTH AND 820 FEET WEST FROM THE S1/4 CORNER OF SECTION 18 |
| WELL 3 | 8 S | 3 W | WM | 18 | SW SE | 650 FEET NORTH AND 600 FEET EAST FROM THE S1/4 CORNER OF SECTION 18 |

The amount of water used for nursery use 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 1.0 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 |
| 8 S | 3 W | WM | 18 | NE SW | 1.4 |
| 8 S | 3 W | WM | 18 | SE SW | 18.6 |
| 8 S | 3 W | WM | 18 | NW SE | 1.0 |
| 8 S | 3 W | WM | 18 | SW SE | 9.0 |
| Total | | | | | 30.0 |

The use of water under this permit will expire on October 31, 2025. This permit may be renewed for additional periods of time, not to exceed five years, if the Director finds the groundwater resource can probably support the continued use.

Permit Amendment T-13256 Conditions:

The former place of use shall no longer be irrigated as part of this permit.

Existing Permit Conditions:

1. 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.
2. **Water Use Measurement, Recording and Reporting Condition:**
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the 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 permittee shall keep a complete record of the volume of water used each month, and shall submit an annual 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. **Static Water Level Condition:**

The permittee shall obtain a static water-level measurement for each well during **March** of each year and report the measurement to the Department within **thirty** days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board, licensed land surveyor, or the permittee/appropriator. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations.

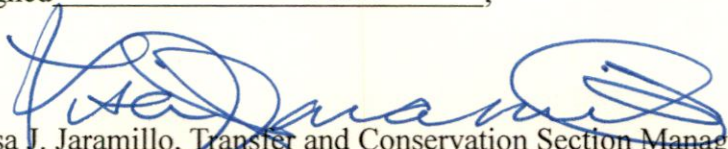
Reports and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements. If a well listed on this permit displays a total static water-level decline of 15 or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water-level recovers to above the 15-foot decline level or until the Department determines, based on the permittee's 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 reference lever for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

- 4. **For the purpose of considering subsequent renewals of this permit, the Department will be using 62.66 feet below land surface for Well 1, 84.0 feet below land surface for Well 2, and 24.0 feet below land surface for Well 3, as the reference static water levels.**
- 5. Within two years of permit issuance, the permittee shall prepare a plan for the Director which shall indicate the steps for obtaining a long term water supply.
- 6. A static water level measurement shall be made and submitted before any use of water may commence from the wells.
- 7. **Failure to provide March static water level measurements may result in suspension of water use from the well(s) authorized under this permit, or cancellation of the permit.**

8. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.
9. 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.
10. 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.
11. 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.
12. The use of water shall be limited when it interferes with any prior surface or ground water rights.

Signed _____ **JUN 30 2021** _____;



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