

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOUGLAS JOHN LEE
13340 GOODALL RD
LAKE OSWEGO, OR 97034-1562

BARTHOLOMEW FAMILY TRUST
1600 CARROLL ROAD
MOSIER, OR 97040

This superseding permit is issued to describe an extension of time Approved February 18, 2011, an extension of time approved March 26, 2021, an assignment, a partial assignment, and an amendment of the place of use and point of appropriation proposed under Permit Amendment Application T-13666 and approved by Special Order Vol. 127, Page ³⁰⁰⁻³⁰¹ 300, entered February 10, 2023. This permit supersedes Permit G-12723.

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

APPLICATION FILE NUMBER: G-13527

SOURCE OF WATER: TWO WELLS IN THE ROWENA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 27.9 ACRES

MAXIMUM RATE: 0.125 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 15, 1993

AUTHORIZED POINTS OF APPROPRIATION:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 2 N | 12 E | WM | 18 | NE SE | POA 2 - 440 FEET SOUTH AND 940 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |
| 2 N | 12 E | WM | 18 | SE NW | POA 3 - 1241 FEET NORTH AND 2856 FEET WEST FROM THE E1/4 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 (or its equivalent) and 3.0 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 | Point of Appropriation (POA) |
| 2 N | 12 E | WM | 18 | NW NE | 0.6 | POA 3 |
| 2 N | 12 E | WM | 18 | SW NE | 0.5 | POA 2 |
| 2 N | 12 E | WM | 18 | SW NE | 6.9 | POA 3 |
| 2 N | 12 E | WM | 18 | NE NW | 0.3 | POA 3 |
| 2 N | 12 E | WM | 18 | SE NW | 0.6 | POA 3 |
| 2 N | 12 E | WM | 18 | NE SE | 19.0 | POA 2 |
| Total | | | | | 27.9 | |

Transfer T-13666 Conditions:

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

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.

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

Extension of Time Conditions

1. If the application to amend Permit G-12723 is approved, the deadline to complete construction and apply water to full beneficial use is extended from October 1, 2014, to October 1, 2025. The use of water under this permit is limited to a maximum rate of 0.125 cubic foot per second of water for irrigation of 27.9 acres.
2. Future requests for Extension of Time will be denied.

3. The permit holder agrees to submit a completed Progress Report Form to the Department by October 1, 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 permit and extension. If, after 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 terms and conditions, the Department shall modify or further condition the permit 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.

Measurement, recording, and reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or 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 any 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 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.

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.

Limited Water Level Decline/Interference Condition

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 and 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 consecutive annual measurements will establish the reference level against which future 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 requirement 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 measurements and calculations submitted to the Department.
- (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 3 or more feet per 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.

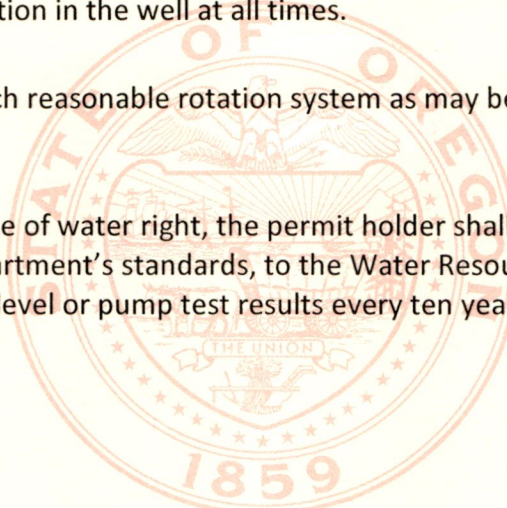
The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the aquifer in question can sustain the observed declines without adversely impacting the resource 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.

STANDARD 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.

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.

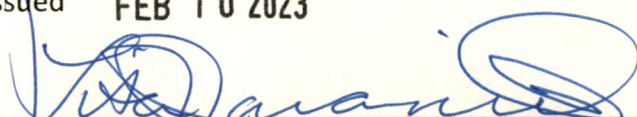
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 August 28, 1996. Actual construction of the well was to begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use was to be made on or before October 1, 1999. By Extension of Time Final order dated August 23, 2021, the deadline for complete application of water to use was extended to October 1, 2024.

Issued **FEB 10 2023**



Lisa Jaramillo, Water Right Services Administrator, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department