

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BOB GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

This superseding permit is issued to describe an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-13866 approved by Special Order Vol. 128, Page ~~563~~, entered June 23, 2023, to describe a partial cancellation and partial diminution approved by Special Order Volume 120, Pages 996 – 1004, and to describe an extension of time for complete application of water approved October 15, 2021. This permit supersedes Permit G-17557.

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

APPLICATION FILE NUMBER: G-17988

SOURCE OF WATER: WELL 1, WELL 2, WELL 3 (CLAC 20355), WELL 4 (CLAC 20344), WELL 5, WELL 6, WELL 7, AND WELL 8 IN PUDDING RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 25.44 ACRES, PRIMARY IRRIGATION TO MAKE UP A DEFICIENCY IN RATE ON 124.37 ACRES, AND SUPPLEMENTAL IRRIGATION OF 8.40 ACRES

MAXIMUM RATE: 0.399 CUBIC FOOT PER SECOND (CFS); BEING 0.379 CFS FOR PRIMARY IRRIGATION, AND PRIMARY IRRIGATION TO MAKE UP A DEFICIENCY IN RATE, AND 0.02 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 27, 2015

WELL LOCATIONS:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|--|
| 3 S | 1 E | WM | 30 | SW NE | WELL 5 – 1645 FEET SOUTH AND 1605 FEET WEST FROM THE NE CORNER OF SECTION 30 |
| 3 S | 1 E | WM | 30 | SW NW | WELL 1 – 1080 FEET SOUTH AND 65 FEET EAST FROM THE NW CORNER OF THE SWNW OF SECTION 30 |
| 3 S | 1 E | WM | 30 | SW NW | WELL 2 – 2470 FEET SOUTH AND 75 FEET EAST FROM THE NW CORNER OF SECTION 30 |
| 3 S | 1 E | WM | 30 | SW NW | WELL 3 - 1560 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 30 |
| 3 S | 1 E | WM | 30 | SW NW | WELL 4 - 2170 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 30 |
| 3 S | 1 E | WM | 30 | SW NW | WELL 7 – 425 FEET SOUTH AND 105 FEET EAST FROM THE NW CORNER OF SWNW OF SECTION 30 |
| 3 S | 1 E | WM | 30 | SE NW | WELL 6 – 1560 FEET SOUTH AND 1560 FEET EAST FROM THE NW CORNER OF SECTION 30 |
| 3 S | 1 E | WM | 30 | NW SW | WELL 8 – 3785 FEET SOUTH AND 220 FEET EAST FROM THE NW CORNER OF SECTION 30 |

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 and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

| PRIMARY IRRIGATION | | | | | |
|--------------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 1 E | WM | 30 | SW NW | 25.44 |

| PRIMARY IRRIGATION TO MAKE UP DEFICIENCY IN RATE | | | | | |
|--|-----|-----|-----|-------|--------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 1 E | WM | 30 | NE NE | 6.81 |
| 3 S | 1 E | WM | 30 | NW NE | 2.41 |
| 3 S | 1 E | WM | 30 | SW NE | 27.30 |
| 3 S | 1 E | WM | 30 | SE NE | 14.62 |
| 3 S | 1 E | WM | 30 | SW NW | 2.13 |
| 3 S | 1 E | WM | 30 | SE NW | 38.21 |
| 3 S | 1 E | WM | 30 | NE SW | 31.12 |
| 3 S | 1 E | WM | 30 | NW SW | 1.77 |
| Total | | | | | 124.37 |

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 1 E | WM | 30 | SW NW | 8.40 |

Permit Amendment T-13866 Conditions:

The quantity of water diverted at the new point of appropriation (Well 5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 5).

The combined quantity of water diverted at the new additional point of appropriation (Well 6 and Well 8), together with that diverted at the old points of appropriation (Wells 1, 2, 3, 4, 5, and 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 2, 3, 4, 5, and 7).

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 points of appropriation.

Existing Permit Conditions:Measurement devices, and recording/reporting of annual water use conditions:

- 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 diverted each month, and shall submit a report which includes 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.

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), 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 Static Water Level Measurements

The Department requires the permittee to report 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 Static Water Level Measurements

Following the first year of water use, the user shall report seven consecutive annual static water-level measurements. The first of these seven 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 the user to 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. Measurements 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;
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface;
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or

- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the 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 causing substantial interference with 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.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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 be subject to cancellation, unless the Department authorizes the change in writing.

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 substantial interference with surface water or 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 well(s) 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 adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, 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 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet 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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. 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 original permit was issued March 22, 2016. Complete application of the water to the use was to be made on or before March 22, 2021. By Extension of Time Final Order dated October 15, 2021, complete application of the water to the use is to be made on or before October 1, 2026. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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.

Signed JUN 23 2023 _____;



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department