

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BUELL-RED PRAIRIE DOMESTIC WATER ASSOCIATION (ASSOCIATION)
6890 FRANK ROAD 503-843-2218
SHERIDAN, OREGON 97378

to use the waters of GOOSENECK CREEK, a tributary of MILL CREEK, for GROUNDWATER RECHARGE. The permit to use these waters is issued under Application 66101. The date of priority is JUNE 8, 1984. The use is limited to the period from October 1 through May 31, not more than 75.0 GALLONS PER MINUTE, and not to exceed 61.0 ACRE-FEET each recharge period/year, measured at the point of diversion.

The point of diversion is located as follows:

SE 1/4 SW 1/4, Section 35, T 6 S, R 7 W, W.M.; North 59 Degrees, 25 Minutes West, 1121 feet from S 1/4 corner Section 35.

The permittee shall appropriate water from Gooseneck Creek only when the following instream flows in cubic feet per second are maintained at the mouth of Gooseneck Creek:

| <u>OCTOBER</u> | <u>NOVEMBER THROUGH MAY</u> |
|----------------|-----------------------------|
| 1.0 | 10.0 |

The water user shall install and maintain an in-line flow meter, weir, or other suitable device, of a type and at a location to be approved by the watermaster, for measuring or recording the above instream flows.

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The place of use is the recharge well which is located as follows:

SW 1/4 SE 1/4
SECTION 35
TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

This permit is also subject to the following conditions:

1. Meters: The permittee shall meter the water withdrawn at the diversion and meter the water injected into the recharge well.
2. Records, inspections: The permittee shall keep accurate and current records of daily metered values, water levels and other operational information. The Water Resources Director (Director) may inspect the records and works covered by this permit upon one day notice and at any reasonable time.
3. Estimated data: When data are missing in whole or in part, the Director may make estimates from available data. Those estimates shall be reasonable and, where a range of uncertainty exists, conservatively low on water delivered to the place of recharge.
4. Water level monitoring: Once each year between April 1 and June 1, the permittee shall measure and record the depth to water below land surface in each of the following wells to 1 foot accuracy. Prior to the determinations, recharge and pumping shall be suspended by the permittee for at least seven days. Two of the wells are not controlled by the Association, however the permittee shall attempt to cooperate with the other owners to obtain these measurements.

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| <u>Well Location</u> | <u>Common Name</u> | <u>Remarks</u> |
|----------------------|----------------------|-------------------------------|
| T6S/R7W-35db | Buell-Red Prairie #1 | |
| T6S/R7W-35da | Buell-Red Prairie #2 | |
| T6S/R7S-35dc | Recharge Well | |
| T6S/R7W-35ca | Mike Propes Well | Not controlled by Association |
| T6S/R7W-35db | Villager Well | Not controlled by Association |

5. Target water levels in key wells: This permit designates two existing wells as key wells in the water level monitoring program. As determined between April 1 and June 1 of each year, actual water levels at these wells shall be compared to the target levels to determine allowable use as indicated under the allowable use of stored water condition. Key wells and associated target levels are:

Target Levels
(feet below Land Surface Datum)

| <u>Well Location</u> | <u>Common Name</u> | <u>Upper</u> | <u>Lower</u> |
|----------------------|----------------------|--------------|--------------|
| T6S/R7W-35db | Buell-Red Prairie #1 | 25 | 125 |
| T6S/R7W-35dc | Recharge Well | 0 | 50 |

6. Storage account for the determination of stored recharge water: The Water Resources Department (WRD) shall make final determinations on stored groundwater. This shall occur through a storage account which covers this permit. The storage account shall be based on recharge and secondary permit withdrawals over only the preceding five recharge years. For this permit, the recharge year is the period from June 1 through May 31 of each year. It shall be credited at 80% of water metered to the place of recharge. Withdrawals of stored water shall be debited at 100% of metered values at wells covered by a secondary permit(s). The debit applies to that portion of withdrawals which are in excess of the permittee's natural water pumpage of 5 million gallons annually under Permit G-8748. The permittee may obtain information on the storage account from the WRD by submitting a written request.

7. Allowable use of stored recharge water: The availability of recharge water stored under this permit is based on the priority of secondary groundwater rights and the allowable use of stored recharge water. The allowable use of stored recharge water during any water year falls into 3 categories. For ease of reference, these categories are named as color zones.

- (A) Green zone: If recent water levels as determined between April 1 and June 1 at the two (2) key wells are above the upper target levels, use is allowed up to the maximum of the storage account.
- (B) Yellow zone: If neither Green zone nor Red zone water levels prevail, use is allowed up to 80 percent of the recharge volume for the preceding 12 months.
- (C) Red zone: If recent water levels as determined between April 1 and June 1 at two (2) key wells are below the lower target levels, no use of recharged water is allowed the following recharge year.

8. Permit assignment: A potential assignee shall prove, to the Director's satisfaction, the financial capability to construct uncompleted portions of, and operate, the project authorized by the permit.

9. Mitigating unforeseen effects:

(A) If, under actual operation of the recharge project, the Director notifies the permittee that the Director has reason to believe there are adverse groundwater quantity or quality effects, the permittee shall cease recharge activities. No further diversion shall be made until measures to prevent, correct or monitor those adverse effects have been agreed to and implemented.

(B) If, in the judgement of the Director, project performance or other hydrologic circumstances indicate that provision(s) in this permit are an unnecessary hardship, or are either inappropriate or inadequate to monitor or manage the quantity or protect the quality of the groundwater resource, the Director may modify target water levels, key wells, the storage account credit factor, the storage account, or any other term of this permit as necessary to remedy the deficiencies.

10. Technical oversight: The construction and operation of the recharge project shall be overseen by a professional registered civil engineer(s) licensed to practice in Oregon.

11. Other state or federal agency requirements:

The following conditions are notices of requirements of other Oregon state agencies. The permittee shall correspond directly with each agency regarding monitoring, reporting and any other requirements. Reports shall only be submitted to the requiring agency, unless otherwise specified herein.

The WRD will enforce these conditions in a manner similar to other conditions in this permit but only upon notice of noncompliance and request for enforcement from the responsible agencies.

Conditions 11(A) and (B) shall remain in effect unless and until WRD receives a written agreement signed by the permittee and responsible agencies to modify the conditions.

(A) The permittee shall comply with the requirements of the Oregon State Health Division.

(B) The permittee shall provide appropriate groundwater quality protection as specified by the Oregon Department of Environmental Quality (DEQ). The DEQ monitoring and sampling plan for this project was submitted to the WRD by letter of January 18, 1991, and is, by reference, included as part of this permit.

12. Water conservation program: Within one year from the date the Water Resources Commission adopts rules describing the schedules, standards and procedures for water management plans by water suppliers, the Association shall submit a plan which is consistent with the rules.

13. Annual and other reports:

(A) The permittee shall submit an annual report to the WRD and any secondary permittee by June 15 of each year. That report shall include the range of diversion and recharge rates and total quantities diverted and recharged during the prior recharge year (ending May 31) as metered under conditions 1, 2, and 3. In addition, the report shall include the water level data from condition 4, the permittee's estimate of the storage account under condition 6, a brief narrative describing operational factors related to the recharge project and conditions 3, 9, 10, 12, and a list of the dates of any reports submitted to other agencies under condition 11.

(B) The permittee shall submit, as scheduled, any reports required by other agencies as specified under condition 11.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

This development was reviewed and approved by the Water Resources Commission on FEBRUARY 1, 1991.

Actual construction work shall begin on or before February 4, 1992, and shall be completed on or before October 1, 1992. Complete application of the water to the use shall be made on or before October 1, 1993.

This permit is for the beneficial use of water without waste. 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.

Issued this date, FEBRUARY 4, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

BC EXT. TO 10-1-99