

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LUCKIAMUTE DOMESTIC WATER COOPERATIVE  
8585 SUVER ROAD  
MONMOUTH, OREGON 97361

503-838-2075

**This superseding permit is issued to describe an amendment for a change in point of appropriation for Well 4 and an additional point of appropriation (Well 5) proposed under Permit Amendment Application T-10886 and approved by Special Order Vol. 37, Page 400, entered April 20, 2012, and an extension of time for complete application of water approved August 2, 2000. This permit supersedes Permit G-12001.**

to use the waters of WELLS 1, 2, 3, 4, and 5 in the WILLAMETTE RIVER BASIN for QUASI-MUNICIPAL USE.

This permit is issued approving Application G-12706. The date of priority is NOVEMBER 13, 1991. The use is limited to not more than 3.7 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	10	NE NW	WELL 1 - 62.3 FEET SOUTH AND 3346.9 FEET EAST FROM THE SW CORNER OF DLC 40
9 S	4 W	WM	10	NE NW	WELL 2 - 2137.3 FEET SOUTH AND 3421.9 FEET EAST FROM THE SW CORNER OF DLC 40
9 S	4 W	WM	10	SW NW	WELL 4 - 250 FEET SOUTH AND 3550 FEET EAST FROM THE SW CORNER OF DLC 40
9 S	4 W	WM	10	NW SE	WELL 3 - 2911.28 FEET NORTH AND 145 FEET WEST FROM THE SE CORNER OF DLC 42
9 S	4 W	WM	11	NW SE	WELL 5 - 2046 FEET NORTH AND 2014 FEET WEST FROM THE SE CORNER OF SECTION 11

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

QUASI-MUNICIPAL USE
WITHIN THE BOUNDARIES OF LUCKIAMUTE DOMESTIC WATER COOPERATIVE

PERMIT AMENDMENT T-10886 CONDITIONS

The quantity of water diverted at the new point of appropriation for Well 4 shall not exceed the quantity available at the original points of appropriation (Wells 1, 2, 3, and 4).

The quantity of water diverted at Well 5 shall not exceed 1.0 cubic foot per second.

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

The use of water from Well 5 shall have a priority date of May 22, 2009. If the permittee in the future proposes to transfer this right to another point of appropriation, the priority date of the transferred right shall be deemed to be the priority date of November 13, 1991, unless the Department's evaluation of the potential for injury requires a similar subordination to existing uses.

Prior to water use from the proposed points of appropriation, the permittee shall install a totalizing flow meter on Well 5. The flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a 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.

The permittee shall allow the watermaster access to the meters; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

A dedicated water-level measuring tube shall be installed in Well 5. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, upon reasonable advance notice to the permittee, access to the well will be provided to Departmental staff in order to make water-level measurements.

A dedicated observation well shall be constructed at a distance of 100 to 300 feet from Well 5 or at a different location that is agreeable to the Groundwater Section of the Water Resources Department. The well shall be constructed no later than three months after Permit Amendment T-10886 is approved. The observation well shall be two inches in diameter, shall fully penetrate the sand and gravel aquifer (an expected total well depth of about 40-50 feet), and shall be screened over at least the basal 20 feet of the aquifer. The well shall not be completed in the underlying fine-grained sediments. When requested, access to the observation well will be provided to Departmental staff in order to make independent water-level measurements.

The Department will install and maintain a water level recording device in the observation well as resources allow.

The permittee shall enable the Department to conduct a 24-72 hour aquifer test of Well 5, to standards specified by the Department, within the first year after Well 5 and the observation wells are constructed. In the event that the Department is unable to conduct the aquifer test, the permittee is still authorized to use Well 5, as conditioned under this permit.

EXTENSION OF TIME CONDITIONS

The permittee must submit a written progress report to the Department by October 1, of the years 2003, 2008, and 2013. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water use, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 39-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent towards completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

ORIGINAL CONDITIONS

The well 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.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a 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.
- 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

Actual construction work shall begin on or before June 30, 1996, and shall be completed on or before October 1, 2015. Complete application of water shall be made on or before October 1, 2015.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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, would not impair or be detrimental to the public interest.

Issued this 20 day of April, 2012.

  
Dwight French, Water Right Services Administrator, for  
PHILIP C. WARD, DIRECTOR