

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIM L. AND JANICE L. KERNS
ROUTE 1, BOX 30A
HAINES, OREGON 97833

503-856-3449

to use the waters of WELLS 1 AND 2 in the WILLOW CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 360.0 ACRES.

This permit is issued approving Application G-12939. The date of priority is MAY 29, 1992. The use is limited to not more than 4.50 CUBIC FEET PER SECOND (CFS), BEING 2.25 CFS FROM EACH WELL, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

WELL 1 - NE 1/4 NW 1/4, SECTION 7, WELL 2 - SE 1/4 NW 1/4, SECTION 18, T 8 S, R 39 E, W.M.; WELL 1 - 1300 FEET SOUTH AND 30 FEET WEST FROM THE N 1/4 CORNER OF SECTION 7, WELL 2 - 1400 FEET SOUTH AND 50 FEET WEST FROM THE N 1/4 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, provided further that although declared herein to be for supplemental irrigation, the right may be exercised at times when water is available for the primary underlying right and the total quantity diverted from all sources does not exceed the limitations allowed herein. The period of allowed use is March 1 through October 31 of each year.

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:

WELL 1
SE 1/4 SW 1/4 16.0 ACRES
SW 1/4 SE 1/4 32.0 ACRES
SECTION 1
NW 1/4 NE 1/4 32.0 ACRES
SECTION 12
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 NE 1/4 35.0 ACRES
SW 1/4 NW 1/4 32.0 ACRES
SE 1/4 NW 1/4 33.0 ACRES
SECTION 7
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

WELL 2
SE 1/4 SE 1/4 10.0 ACRES
SECTION 13
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

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SW 1/4 NW 1/4 30.0 ACRES
 SE 1/4 NW 1/4 31.0 ACRES
 NE 1/4 SW 1/4 31.0 ACRES
 NW 1/4 SW 1/4 30.0 ACRES
 SW 1/4 SW 1/4 37.0 ACRES
 SE 1/4 SW 1/4 11.0 ACRES

SECTION 18

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

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 devices for measuring and recording the quantity of water diverted from the well and stream which is being used to transport water to the place of use 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.

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.

Discharge facilities where water is to be discharged into a stream and diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

No water may be discharged into a natural water course and no water may be transported by means of a natural water course under this right, without the expressed written consent of the Oregon Department of Environmental Quality, a copy of which shall be submitted to the Director.

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 July 25, 1995 and shall be completed on or before October 1, 1996. Complete application of the water shall be made on or before October 1, 1997.

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.

Issued this date, July 25, 1994.

/s/ A. REED MARBUT for

Water Resources Department
Martha O. Pagel
Director

