

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ORVILLE AND LAVELLE PHILPOTT
1986 5TH AVENUE W.
VALE, OR 97918

503-473-2472

to use the waters of A WELL IN THE WILLOW CREEK BASIN for PRIMARY IRRIGATION OF 21.7 ACRES, SUPPLEMENTAL IRRIGATION OF 95.0 ACRES.

This permit is issued approving Application G-13409. The date of priority is MAY 11, 1993. The use is limited to not more than 0.92 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SW 1/4 SW 1/4 SECTION 26, TOWNSHIP 17 SOUTH, RANGE 44 EAST, W.M.; 80 FEET NORTH AND 602 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 26

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land. The use of water for irrigation allowed under this permit is limited to February 15 through September 1 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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SW 1/4		30.0 ACRES
NW 1/4 SW 1/4		29.0 ACRES
SW 1/4 SW 1/4	4.5 ACRES	26.0 ACRES
SE 1/4 SW 1/4	17.2 ACRES	10.0 ACRES

SECTION 26

TOWNSHIP 17 SOUTH, RANGE 44 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 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 the meter or measuring 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 water use on a periodic schedule as established by the Director.

In addition, the Director 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.

The water user shall report a static water-level in the well(s) by April 15 of each year. The measurements shall be sent to the Director, Attention: Groundwater/ Hydrology Section. The initial measurement shall be made during the first March after the priority date of the water right or during the first March after the well has been constructed, whichever is later. The measurement shall be made by a certified water rights examiner, registered professional geologist, or professional engineer. Water levels shall be measured and reported to the nearest tenth of a foot as depth-to-water below ground surface and shall be accompanied by supporting calculations. Each measurement and set of calculations shall clearly indicate the well with which they are associated.

The second annual measurement taken after water use begins under the terms of this permit shall be the reference level. The measurement shall be made annually for seven consecutive years after water use begins. When required by the Director, the permittee shall obtain and report, as outlined above, additional March static water level measurements beyond the initial seven. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, the permittee shall reduce the withdrawal rate from the well or discontinue use of the well. Such action shall be undertaken until the water level recovers to above the 25-foot decline level or until the Department determines that such action is not necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. Such determination could be based on the permittee's data or the Department's data and analysis. The Director may provide an opportunity for the permittee to submit alternative measurement and reporting procedures for review and approval.

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 November 18, 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.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, November 18, 1994.

MARATHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

Application G-13409
BASIN 10

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VOLUME 2 Willow Creek & Misc.
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DISTRICT 9