

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NW FARM CREDIT SERVICE

ACA

PO BOX 2687

WENATCHEE, WA 98807-2687

509-687-3674

JON W. AND NORMA S. SATHER

PO BOX 427

MANSON, WA 98831

to use the waters from WELL 4 in the BULLY CREEK BASIN for the IRRIGATION OF 105.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 428.6 ACRES.

This permit is issued approving Application G-13524. The date of priority is October 12, 1993. The use is limited to not more than 3.45 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 26, T 18 S, R 41 E, W.M.; 1745 FEET NORTH & 1334 FEET WEST FROM SE CORNER, 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. The use of water for irrigation is allowed at any time during the year when necessary for beneficial use in connection with the irrigation of the respective lands.

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 NE 1/4		32.7 ACRES
NW 1/4 NE 1/4		17.6 ACRES
SW 1/4 NE 1/4		36.6 ACRES
SE 1/4 NE 1/4		38.9 ACRES
NE 1/4 NW 1/4	1.5 ACRES	
NW 1/4 NW 1/4	4.4 ACRES	
SW 1/4 NW 1/4	18.8 ACRES	
SE 1/4 NW 1/4	10.6 ACRES	
SE 1/4 NW 1/4		4.0 ACRES
NE 1/4 SW 1/4		6.0 ACRES
NW 1/4 SW 1/4	4.4 ACRES	
NW 1/4 SW 1/4		36.6 ACRES
SW 1/4 SW 1/4	2.5 ACRES	
SW 1/4 SW 1/4		32.8 ACRES
SE 1/4 SW 1/4	5.2 ACRES	
SE 1/4 SW 1/4		2.5 ACRES
NE 1/4 SE 1/4	21.6 ACRES	
NW 1/4 SE 1/4	1.4 ACRES	
SE 1/4 SE 1/4	5.2 ACRES	

SECTION 25

TOWNSHIP 18 SOUTH, RANGE 41 WEST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4	1.8 ACRES	
NE 1/4 SE 1/4	5.9 ACRES	
NE 1/4 SE 1/4		26.0 ACRES
SE 1/4 SE 1/4		37.9 ACRES

## SECTION 26

TOWNSHIP 18 SOUTH, RANGE 41 WEST, W.M.

SW 1/4 NE 1/4	3.5 ACRES	
NE 1/4 NW 1/4		14.4 ACRES
NW 1/4 NW 1/4		17.4 ACRES
SW 1/4 NW 1/4		39.4 ACRES
SE 1/4 NW 1/4	3.2 ACRES	
SE 1/4 NW 1/4		29.6 ACRES
NE 1/4 SW 1/4	7.3 ACRES	
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4	8.3 ACRES	
SW 1/4 SW 1/4		16.2 ACRES

## SECTION 30

TOWNSHIP 18 SOUTH, RANGE 42 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, 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board, licensed land surveyor or the permittee/appropriator. 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.

No water may be appropriated under terms of this permit until the well has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department.

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 February 28, 1996 and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.

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, February 28, 1995.

  
 Water Resources Department  
 Martha O. Pagel  
 Director