

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PATRICK MCGOURTY
P.O. BOX 111
BROGAN, OREGON 97903

(541) 473-2287

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12873

SOURCE OF WATER: SIX WELLS, IN THE WILLOW CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 346.0 ACRES

MAXIMUM RATE: 4.10 CUBIC FEET PER SECOND (CFS) TOTAL FROM ALL 6 WELLS AT ANY ONE TIME, BEING NOT MORE THAN 0.891 CFS FROM WELL 1, 0.267 CFS FROM WELL 2, 0.668 CFS FROM WELL 3, 1.11 CFS FROM EACH WELL 4 & 5, AND 0.111 CFS FROM WELL 6

PERIOD OF USE: FEBRUARY 15 THROUGH AUGUST 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 19, NE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 30, T15S, R43E, W.M.; WELL 29807 - 800 FEET SOUTH AND 1320 FEET WEST, WELL 29808 - 1675 FEET NORTH AND 25 FEET WEST, WELL 29809 - 2530 FEET NORTH AND 25 FEET WEST, ALL FROM THE SE CORNER OF SECTION 30; WELL 29814 - 2570 FEET NORTH AND 1220 FEET EAST, WELL 29816 - 2030 FEET NORTH AND 1330 FEET EAST, WELL 29818 - 1890 FEET NORTH AND 2150 FEET EAST, ALL FROM THE SW CORNER OF SECTION 19

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 PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4	38.4 ACRES
SE 1/4 SE 1/4	37.8 ACRES
SECTION 24	
TOWNSHIP 15 SOUTH, RANGE 42 EAST, W.M.	
NE 1/4 SW 1/4	15.7 ACRES
NW 1/4 SW 1/4	37.6 ACRES
SE 1/4 SW 1/4	40.0 ACRES
SECTION 19	

Application G-12873

Water Resources Department

PERMIT G-12581

NE 1/4 NE 1/4	22.2 ACRES
NW 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	38.7 ACRES
NE 1/4 SE 1/4	37.0 ACRES
SE 1/4 SE 1/4	38.0 ACRES

SECTION 30

TOWNSHIP 15 SOUTH, RANGE 43 EAST, W.M.

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.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of April. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun**Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference

level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

The wells 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.

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

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.

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 the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

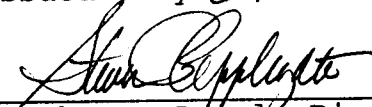
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, will not impair or be detrimental to the public interest.

Actual construction of the wells shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 8, 1996


for Martha O. Pagel, Director
Water Resources Department