

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCKIBBEN FAMILY LIMITED PARTNERSHIP  
1244 FORREST LANE  
WALLA WALLA, WASHINGTON 99362

(509) 525-7505

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

APPLICATION FILE NUMBER: G-13758

SOURCE OF WATER: THREE WELLS IN DRY CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL FROST CONTROL AND TEMPERATURE CONTROL ON 78.9 ACRES

RATE OF USE: 2.0 CUBIC FEET PER SECOND FROM ALL THREE WELLS

PERIOD OF ALLOWED USE: FROST CONTROL FROM APRIL 1 THROUGH MAY 1 AND TEMPERATURE CONTROL FROM JULY 1 THROUGH OCTOBER 15

DATE OF PRIORITY: AUGUST 1, 1994

POINT OF DIVERSION LOCATION: WELL 1 - NE 1/4 SE 1/4, SECTION 32, T6N, R35E, W.M.; 70 FEET WEST AND 30 FEET SOUTH FROM NE CORNER OF NE 1/4 SE 1/4, SECTION 32; NW 1/4 SW 1/4, SECTION 33, T6N, R35E, W.M.; WELL 2 - 711 SOUTH, WELL 3 - 863 FEET SOUTH, BOTH FROM THE NE CORNER OF NW 1/4 SW 1/4 CORNER, SECTION 33.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SW 1/4 40.0 ACRES

SECTION 33

NE 1/4 SE 1/4 38.9 ACRES

SECTION 32

TOWNSHIP 6 NORTH, RANGE 35 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.

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- 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.

#### 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.

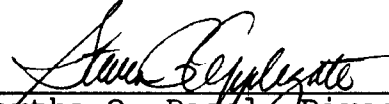
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 well 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