

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GUM CREEK FARMS INC.
WILLIAM HEID
5070 SOUTH RD. K
VALE, OREGON 97918

PHONE: (541) 473-3324

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14461

SOURCE OF WATER: FIVE WELLS IN MALHEUR RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 351.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 73.2 ACRES

MAXIMUM RATE: 5.31 CUBIC FEET PER SECOND (CFS), BEING 4.39 CFS FOR PRIMARY IRRIGATION AND 0.92 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19, AND 2.11 CFS FROM WELL 20

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31 FOR IRRIGATION AND APRIL 1 TO SEPTEMBER 1 FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: FEBRUARY 18, 1997

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 7, T16S, R43E, W.M.; WELL 18- 769 FEET SOUTH & 32 FEET EAST; WELL 19- 2286 FEET SOUTH & 24 FEET EAST; WELL 20- 1588 FEET SOUTH & 50 FEET EAST; WELL 15- 2655 FEET SOUTH AND 116 FEET EAST; AND WELL 17 - 2828 FEET SOUTH & 1097 FEET EAST, ALL FROM NW CORNER SECTION 7

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:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	0.4 ACRES	
SE 1/4 SE 1/4		5.0 ACRES
	SECTION 6	
NE 1/4 NE 1/4	1.0 ACRE	26.2 ACRES
NW 1/4 NE 1/4	11.4 ACRES	
SW 1/4 NE 1/4	15.9 ACRES	

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	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4		1.2 ACRES
NE 1/4 NW 1/4	12.2 ACRES	
SW 1/4 NW 1/4	17.0 ACRES	
SE 1/4 NW 1/4	11.1 ACRES	
NE 1/4 SW 1/4	28.0 ACRES	
NW 1/4 SW 1/4	15.1 ACRES	
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SE 1/4	7.6 ACRES	

SECTION 7

SW 1/4 NE 1/4		1.6 ACRES
NE 1/4 NW 1/4		6.8 ACRES
NW 1/4 NW 1/4		11.2 ACRES
SW 1/4 NW 1/4		12.2 ACRES
SE 1/4 NW 1/4	2.0 ACRES	9.0 ACRES
NW 1/4 SW 1/4	3.5 ACRES	
SW 1/4 SW 1/4	38.0 ACRES	

SECTION 8

NW 1/4 NW 1/4	3.0 ACRES	
SW 1/4 NW 1/4	4.2 ACRES	
NE 1/4 SW 1/4	19.5 ACRES	
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	38.5 ACRES	
SE 1/4 SW 1/4	36.7 ACRES	
NE 1/4 SE 1/4	1.0 ACRE	
SW 1/4 SE 1/4	4.4 ACRES	
SE 1/4 SE 1/4	4.3 ACRES	

SECTION 17

NE 1/4 SE 1/4	18.3 ACRES	
SE 1/4 SE 1/4	14.4 ACRES	

SECTION 18

TOWNSHIP 16 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.

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.

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 March. 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

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. 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 three 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.

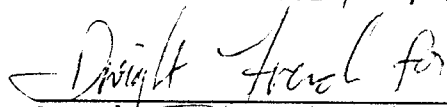
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well shall begin by November 13, 1999. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).interest.

Issued November 13, 1998



Martha O. Pagel, Director
Water Resources Department

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Basin 10
RWK

Water Resources Department
Volume 2 WILLOW CR MISC
MGMT.CODES 7BG 7BR 7EG 7ER

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District 9