

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ANDY ROOT  
HC 73 174 HARNEY RD.  
BURNS, OREGON 97720

PHONE: (541) 493-3645

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

APPLICATION FILE NUMBER: G-14678

SOURCE OF WATER: EIGHT WELLS IN RATTLESNAKE CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 1421.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 166.8 ACRES

MAXIMUM RATE: 16.81 CUBIC FEET PER SECOND, BEING 3.8 CFS WELL 1, 1.1 CFS WELL 2, 2.8 CFS WELL 3, 2.86 CFS WELL 4, 1.6 CFS WELL 5, 0.32 CFS WELL 6, 0.33 CFS WELL 7, 4.0 CFS WELL 8

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: FEBRUARY 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, NE 1/4 SE 1/4, SECTION 33, NE 1/4 SW 1/4, SE 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 34, SW 1/4 NE 1/4, SECTION 30, NW 1/4 NE 1/4, SECTION 32, T22S, R32.5E, W.M.; WELL 1 - 90 FEET SOUTH & 2460 FEET EAST FROM NW CORNER, SECTION 33; WELL 2 - 330 FEET SOUTH & 2200 FEET EAST FROM NW CORNER, SECTION 33; WELL 3 - 1340 FEET NORTH & 1200 FEET WEST FROM SE CORNER, SECTION 33; WELL 4 - 2068 FEET NORTH & 2270 FEET EAST FROM SW CORNER, SECTION 34; WELL 5 - 1890 FEET SOUTH & 1100 FEET WEST FROM NE CORNER, SECTION 34; WELL 6 - 1350 FEET SOUTH & 1350 FEET WEST FROM NE CORNER, SECTION 34; WELL 7 - 1300 FEET NORTH & 1800 FEET EAST FROM SW CORNER, SE 1/4 NW 1/4, SECTION 30; WELL 8 - 220 FEET SOUTH & 2270 FEET WEST FROM NE CORNER, SECTION 32

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>
NE 1/4 SW 1/4	38.0 ACRES	
NW 1/4 SW 1/4	38.0 ACRES	
SW 1/4 SW 1/4	40.0 ACRES	
SE 1/4 SW 1/4	40.0 ACRES	
SECTION 29		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NE 1/4	30.3 ACRES	
SE 1/4 NE 1/4	20.3 ACRES	
SE 1/4 NW 1/4	17.7 ACRES	
NE 1/4 SE 1/4	21.3 ACRES	
SE 1/4 SE 1/4	21.6 ACRES	
	SECTION 30	
NE 1/4 NE 1/4	14.9 ACRES	
	SECTION 31	
NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	7.7 ACRES	32.3 ACRES
SE 1/4 NE 1/4	40.0 ACRES	
NE 1/4 NW 1/4	7.8 ACRES	32.2 ACRES
NW 1/4 NW 1/4	9.2 ACRES	30.8 ACRES
SW 1/4 NW 1/4		31.5 ACRES
SE 1/4 NW 1/4		40.0 ACRES
NW 1/4 SW 1/4	5.0 ACRES	
NE 1/4 SW 1/4	37.4 ACRES	
SE 1/4 SW 1/4	38.3 ACRES	
NE 1/4 SE 1/4	40.0 ACRES	
NW 1/4 SE 1/4	40.0 ACRES	
SW 1/4 SE 1/4	40.0 ACRES	
SE 1/4 SE 1/4	40.0 ACRES	
	SECTION 32	
NE 1/4 NE 1/4	31.4 ACRES	
NW 1/4 NE 1/4	31.4 ACRES	
SW 1/4 NE 1/4	31.4 ACRES	
SE 1/4 NE 1/4	31.4 ACRES	
NE 1/4 NW 1/4	31.4 ACRES	
NW 1/4 NW 1/4	31.4 ACRES	
SW 1/4 NW 1/4	31.4 ACRES	
SE 1/4 NW 1/4	31.4 ACRES	
NE 1/4 SE 1/4	31.4 ACRES	
NW 1/4 SE 1/4	31.4 ACRES	
SW 1/4 SE 1/4	31.4 ACRES	
SE 1/4 SE 1/4	31.4 ACRES	
	SECTION 33	
NE 1/4 NE 1/4	31.4 ACRES	
NW 1/4 NE 1/4	31.4 ACRES	
SW 1/4 NE 1/4	31.4 ACRES	
SE 1/4 NE 1/4	31.4 ACRES	
NE 1/4 NW 1/4	31.4 ACRES	
NW 1/4 NW 1/4	31.4 ACRES	
SW 1/4 NW 1/4	31.4 ACRES	
SE 1/4 NW 1/4	31.4 ACRES	
NE 1/4 SW 1/4	31.4 ACRES	
NW 1/4 SW 1/4	31.4 ACRES	
SW 1/4 SW 1/4	31.4 ACRES	
SE 1/4 SW 1/4	31.4 ACRES	
	SECTION 34	

TOWNSHIP 22 SOUTH, RANGE 32.5 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.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user'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 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.

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

## 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.

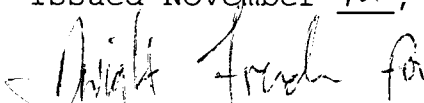
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by September 30, 1999. Complete application of the water to the use shall be made on or before October 1, 2002. 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).

Issued November 12, 1998

  
Water Resources Department  
Martha Pagel, Director