

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRED D. WALLENDER
65228 AIRPORT LANE
LA GRANDE, OREGON 97850

(541)963-3800

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

APPLICATION FILE NUMBER: G-14962

SOURCE OF WATER: WELL 2 AND WELL 3 IN LADD CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 202.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 124.7 ACRES

MAXIMUM RATE: 4.09 CUBIC FOOT PER SECOND(CFS), BEING 2.53 CFS FOR IRRIGATION AND 1.56 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 2, 1999

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, NE 1/4 NW 1/4, SECTION 29, T3S, R39E, W.M.; WELL 2 - 1174 FEET SOUTH & 3811 FEET EAST; WELL 3 - 800 FEET SOUTH & 1950 FEET EAST, BOTH FROM NW CORNER SECTION 29

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 | 40.0 ACRES | |
| NW 1/4 SW 1/4 | 40.0 ACRES | |
| SW 1/4 SW 1/4 | 40.0 ACRES | |
| | <u>PRIMARY</u> | <u>SUPPLEMENTAL</u> |
| SE 1/4 SW 1/4 | 40.0 ACRES | |
| NW 1/4 SE 1/4 | 40.0 ACRES | |
| SW 1/4 SE 1/4 | 2.5 ACRES | 25.0 ACRES |

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SECTION 29

| | |
|---------------|------------|
| NW 1/4 NE 1/4 | 19.7 ACRES |
| NE 1/4 NW 1/4 | 40.0 ACRES |
| NW 1/4 NW 1/4 | 40.0 ACRES |

SECTION 32

TOWNSHIP 3 SOUTH, RANGE 39 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.

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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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

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In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

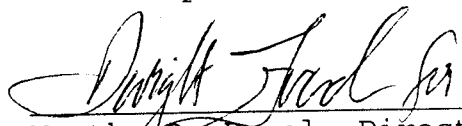
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 by April , 2001. Complete application of the water to the use shall be made on or before October 1, 2004. 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 April 28, 2000


Martha O. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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Basin 8

Water Resources Department
Volume 3 LADD CR & MISC
MGMT.CODES 7BG 7BR 7JG 7JR 3BW

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