

STATE OF OREGON

COUNTY OF GILLIAM

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RANDY ALLRED

14368 ROAD 12.5 SW

ROYAL CITY, WASHINGTON 99357

(509) 346-2314

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

APPLICATION FILE NUMBER: G-15063

SOURCE OF WATER: TEN WELLS IN WILLOW CREEK BASIN

PURPOSE OR USE: IRRIGATION AND TEMPERATURE CONTROL ON 2802.1

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 35.03 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR TEMPERATURE CONTROL

DATE OF PRIORITY: NOVEMBER 2, 1999

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 15, NE 1/4 NE 1/4, NW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 NW 1/4, SECTION 22, T2N, R22E, W.M.; WELL 2 - 1200 FEET NORTH & 150 FEET WEST; WELL 3 - 100 FEET NORTH & 100 FEET WEST; WELL 4 - 1200 FEET NORTH & 1500 FEET WEST; WELL 5 - 1200 FEET NORTH & 3750 FEET WEST; WELL 6 - 650 FEET NORTH & 2900 FEET WEST; WELL 7 - 100 FEET SOUTH & 1950 FEET WEST; WELL 8 - 400 FEET SOUTH & 2900 FEET WEST; WELL 9 - 650 FEET SOUTH & 1100 FEET WEST; WELL 10 1300 FEET SOUTH & 100 FEET WEST; WELL 11 - 2550 FEET SOUTH & 100 FEET WEST, ALL FROM NE CORNER, SECTION 22

The amount of water used for temperature control is limited to a diversion of 0.15 cubic foot per second per acre.

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 SW 1/4 40.0 ACRES
 NW 1/4 SW 1/4 40.0 ACRES
 SW 1/4 SW 1/4 40.0 ACRES
 SE 1/4 SW 1/4 40.0 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 14

SE 1/4 SW 1/4 40.0 ACRES
 SW 1/4 SE 1/4 40.0 ACRES
 SE 1/4 SE 1/4 40.0 ACRES
 SECTION 15

NE 1/4 NE 1/4 40.0 ACRES
 NW 1/4 NE 1/4 40.0 ACRES
 SW 1/4 NE 1/4 40.0 ACRES
 SE 1/4 NE 1/4 40.0 ACRES
 NE 1/4 NW 1/4 40.0 ACRES
 SE 1/4 NW 1/4 40.0 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 22

NE 1/4 NE 1/4 40.0 ACRES
 NW 1/4 NE 1/4 40.0 ACRES
 SW 1/4 NE 1/4 40.0 ACRES
 SE 1/4 NE 1/4 40.0 ACRES
 NE 1/4 NW 1/4 40.0 ACRES
 NW 1/4 NW 1/4 40.0 ACRES
 SW 1/4 NW 1/4 40.0 ACRES
 SE 1/4 NW 1/4 40.0 ACRES
 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
 SE 1/4 SW 1/4 40.0 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 23

NW 1/4 NE 1/4 40.0 ACRES
SW 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 40.0 ACRES
NW 1/4 NW 1/4 40.0 ACRES
SW 1/4 NW 1/4 40.0 ACRES
SE 1/4 NW 1/4 40.0 ACRES
NW 1/4 SW 1/4 29.4 ACRES
SW 1/4 SW 1/4 40.0 ACRES
SE 1/4 SW 1/4 17.5 ACRES

SECTION 24

NE 1/4 NE 1/4 32.1 ACRES
NW 1/4 NE 1/4 36.7 ACRES
SW 1/4 NE 1/4 40.0 ACRES
SE 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 34.0 ACRES
NW 1/4 NW 1/4 40.0 ACRES
SW 1/4 NW 1/4 40.0 ACRES
SE 1/4 NW 1/4 40.0 ACRES
NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 40.0 ACRES
SW 1/4 SW 1/4 34.1 ACRES
SE 1/4 SW 1/4 35.0 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 35.5 ACRES
SE 1/4 SE 1/4 27.8 ACRES

SECTION 25

NE 1/4 NE 1/4 40.0 ACRES
NW 1/4 NE 1/4 40.0 ACRES
SW 1/4 NE 1/4 40.0 ACRES
SE 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 40.0 ACRES
NW 1/4 NW 1/4 40.0 ACRES
SW 1/4 NW 1/4 40.0 ACRES
SE 1/4 NW 1/4 40.0 ACRES

SECTION 26

TOWNSHIP 2 NORTH, RANGE 22 EAST, W.M.

SW 1/4 NW 1/4 40.0 ACRES
NW 1/4 SW 1/4 40.0 ACRES

SECTION 30

TOWNSHIP 2 NORTH, RANGE 23 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.

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 developed pursuant to the Memorandum of Agreement attached to this permit. 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. To monitor the effect of water use from the wells authorized under this permit, the Department requires the permittee/water user to make and report water level measurements. The measurements shall be made and the data reported to the Department in accordance with the water users monitoring and reporting plan. The plan shall also stipulate either a reference water level or a methodology for future determination of 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 water-level decline of 50 or more feet over any period of years, as compared to the reference water level established pursuant to the plan, 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 50-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.

The permittee shall notify the Groundwater/Hydrology Section of the Department in Salem or the Watermaster in Pendleton at least five (5) business days prior to beginning construction of each well. The Department may require samples of the materials penetrated during well construction to be collected. When required, the samples shall be collected at ten-foot intervals and at each change in lithology and shall be stored and properly labeled in containers provided by the Department. The Department may collect additional data, such as geophysical or video logs, at any well prior to installation of pumping equipment. The Department shall bear the cost of any such additional data collection.

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.

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 December 15, 2000


Paul R. Cleary, 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.