

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

INLAND LAND CO. LLC

BOB HALE

P.O. BOX 110

HERMISTON, OREGON 97838

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

APPLICATION FILE NUMBER: G-14827

SOURCE OF WATER: UP TO NINE WELLS IN COLUMBIA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 2129.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 670.5 ACRES

MAXIMUM RATE: 35.0 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 27, 1998

POINT OF DIVERSION LOCATION:

WELL 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27, T4N, R24E, W.M.; 90 FEET SOUTH & 110 FEET WEST FROM NE CORNER SECTION 27

WELL 2: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4N, R24E, W.M.; 590 FEET EAST FROM THE CENTER 1/4 CORNER SECTION 32

WELL 3: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 35, T4N, R24E, W.M. 130 FEET NORTH AND 2400 FEET WEST FROM THE CENTER 1/4 CORNER SECTION 35

WELL 4: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T3N, R24E, W.M.; 140 FEET NORTH AND 1810 FEET WEST FROM THE CENTER 1/4 CORNER SECTION 1

WELL 5: NE $\frac{1}{4}$ NE, SECTION 29, T4N, R24E, W.M.; 1200 FEET WEST FROM THE NE CORNER SECTION 29

WELL 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T3N, R24E, W.M.; 1070 FEET NORTH AND 720 FEET WEST FROM THE SE CORNER SECTION 10

WELL 7: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33, T4N, R24E, W.M.; 1020 FEET NORTH AND 1860 FEET WEST FROM THE SE CORNER SECTION 33

WELL 8: SE ¼ SE ¼, SECTION 9, T3N, R24E, W.M.; 55 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER SECTION 9

WELL 9: NW ¼ NW ¼, SECTION 9, T3N, R24E, W.M.; 80 FEET SOUTH AND 1200 FEET EAST FROM THE NW CORNER SECTION 9

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 4.0 acre feet per acre provided that the maximum duty of water for all lands under the permit from all sources not exceed an average duty of 3.0 acre feet per acre 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 NE 1/4		26.0 ACRES
NW 1/4 NE 1/4		10.9 ACRES
SW 1/4 NE 1/4		5.7 ACRES
SE 1/4 NE 1/4		15.9 ACRES
SECTION 1		
SW 1/4 SW 1/4	0.6 ACRES	
SE 1/4 SW 1/4	7.6 ACRES	
SW 1/4 SE 1/4	0.2 ACRES	
SE 1/4 SE 1/4	1.0 ACRES	
SECTION 2		
NE 1/4 NE 1/4	21.6 ACRES	
NW 1/4 NE 1/4	27.4 ACRES	
NE 1/4 NW 1/4	0.7 ACRES	
SECTION 3		
SW 1/4 NE 1/4		9.0 ACRES
SE 1/4 NE 1/4		15.0 ACRES
NE 1/4 SE 1/4		36.9 ACRES
NW 1/4 SE 1/4		24.9 ACRES
SW 1/4 SE 1/4		1.4 ACRES
SE 1/4 SE 1/4		3.4 ACRES
SECTION 4		
	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4		21.6 ACRES
SE 1/4 SE 1/4		19.6 ACRES
SECTION 9		
NE 1/4 NE 1/4	16.0 ACRES	
SW 1/4 NE 1/4	25.3 ACRES	
SE 1/4 NE 1/4	28.4 ACRES	

SE 1/4 NW 1/4 6.8 ACRES
 NE 1/4 SW 1/4 19.4 ACRES
 SE 1/4 SW 1/4 5.5 ACRES
 NE 1/4 SE 1/4 30.8 ACRES
 NW 1/4 SE 1/4 40.3 ACRES
 SW 1/4 SE 1/4 35.0 ACRES
 SE 1/4 SE 1/4 11.9 ACRES
 SECTION 10

NE 1/4 NE 1/4 13.5 ACRES
 NW 1/4 NE 1/4 31.2 ACRES
 SW 1/4 NE 1/4 6.2 ACRES
 NE 1/4 NW 1/4 40.7 ACRES
 NW 1/4 NW 1/4 26.1 ACRES
 SW 1/4 NW 1/4 34.9 ACRES
 SE 1/4 NW 1/4 32.2 ACRES
 NE 1/4 SW 1/4 21.4 ACRES
 NW 1/4 SW 1/4 40.2 ACRES
 SW 1/4 SW 1/4 35.4 ACRES
 SE 1/4 SW 1/4 7.1 ACRES
 SECTION 11

NE 1/4 NE 1/4	15.2 ACRES
NW 1/4 NE 1/4	3.6 ACRES
SW 1/4 NE 1/4	8.9 ACRES
SE 1/4 NE 1/4	30.3 ACRES
SECTION 12	

NE 1/4 NW 1/4 14.2 ACRES
 NW 1/4 NW 1/4 40.0 ACRES
 SW 1/4 NW 1/4 13.7 ACRES
 SE 1/4 NW 1/4 1.4 ACRES
 SECTION 14

NE 1/4 NE 1/4 34.8 ACRES
 NW 1/4 NE 1/4 40.2 ACRES
 SW 1/4 NE 1/4 12.4 ACRES
 SE 1/4 NE 1/4 3.2 ACRES

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NW 1/4	15.3 ACRES	
SE 1/4 NW 1/4	0.8 ACRES	
SECTION 15		

NE 1/4 NE 1/4	21.6 ACRES
NW 1/4 NE 1/4	24.5 ACRES
SECTION 16	

TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.

NE 1/4 SW 1/4 28.9 ACRES
 NW 1/4 SW 1/4 39.5 ACRES
 SW 1/4 SW 1/4 34.6 ACRES
 SE 1/4 SW 1/4 21.2 ACRES
 NE 1/4 SE 1/4 27.4 ACRES
 NW 1/4 SE 1/4 34.3 ACRES
 SW 1/4 SE 1/4 34.0 ACRES
 SE 1/4 SE 1/4 25.5 ACRES
 SECTION 26

NW 1/4 NW 1/4	9.2 ACRES	
NE 1/4 SW 1/4		37.0 ACRES
NW 1/4 SW 1/4		16.7 ACRES
SW 1/4 SW 1/4		18.6 ACRES
SE 1/4 SW 1/4		38.5 ACRES
NE 1/4 SE 1/4	31.6 ACRES	
NW 1/4 SE 1/4	20.2 ACRES	6.9 ACRES
SW 1/4 SE 1/4	29.9 ACRES	7.0 ACRES
SE 1/4 SE 1/4	37.0 ACRES	
SECTION 27		

NE 1/4 NE 1/4	35.0 ACRES	
NW 1/4 NE 1/4	7.7 ACRES	27.7 ACRES
SW 1/4 NE 1/4		29.5 ACRES
NE 1/4 NW 1/4	4.4 ACRES	31.7 ACRES
NW 1/4 NW 1/4	37.3 ACRES	0.2 ACRE
SW 1/4 NW 1/4	0.7 ACRES	0.5 ACRES
SE 1/4 NW 1/4		35.6 ACRES
NE 1/4 SW 1/4		0.3 ACRE
SECTION 28		

NE 1/4 NE 1/4 29.4 ACRES
 NW 1/4 NE 1/4 35.8 ACRES
 SW 1/4 NE 1/4 34.9 ACRES
 SE 1/4 NE 1/4 5.5 ACRES
 NE 1/4 NW 1/4 32.7 ACRES

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	0.3 ACRES	
SW 1/4 NW 1/4	2.7 ACRES	
SE 1/4 NW 1/4	27.5 ACRES	0.3 ACRES
NE 1/4 SW 1/4		35.9 ACRES
NW 1/4 SW 1/4	27.8 ACRES	4.3 ACRES
SW 1/4 SW 1/4	6.1 ACRES	3.1 ACRES
SE 1/4 SW 1/4		34.0 ACRES
NW 1/4 SE 1/4		24.3 ACRES
SW 1/4 SE 1/4		24.0 ACRES
SECTION 29		

SW 1/4 NE 1/4	6.6 ACRES
SE 1/4 NE 1/4	3.3 ACRES
NE 1/4 SW 1/4	5.8 ACRES
NE 1/4 SE 1/4	36.7 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	9.6 ACRES
SE 1/4 SE 1/4	5.5 ACRES
SECTION 30	

NE 1/4 NE 1/4	20.2 ACRES
NW 1/4 NE 1/4	20.2 ACRES
SW 1/4 NE 1/4	40.1 ACRES
SE 1/4 NE 1/4	34.7 ACRES
SE 1/4 NW 1/4	4.2 ACRES
NE 1/4 SW 1/4	0.5 ACRES
SE 1/4 SW 1/4	2.6 ACRES
NE 1/4 SE 1/4	20.8 ACRES
NW 1/4 SE 1/4	28.1 ACRES
SW 1/4 SE 1/4	39.1 ACRES
SE 1/4 SE 1/4	35.5 ACRES
SECTION 34	

NE 1/4 NE 1/4	18.0 ACRES
NW 1/4 NE 1/4	22.0 ACRES
SW 1/4 NE 1/4	39.8 ACRES
SE 1/4 NE 1/4	35.8 ACRES
NE 1/4 NW 1/4	28.9 ACRES
NW 1/4 NW 1/4	37.5 ACRES
SW 1/4 NW 1/4	29.3 ACRES
SE 1/4 NW 1/4	22.9 ACRES
NE 1/4 SW 1/4	27.4 ACRES
NW 1/4 SW 1/4	35.8 ACRES
SW 1/4 SW 1/4	33.9 ACRES
SE 1/4 SW 1/4	25.1 ACRES

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SE 1/4	6.3 ACRES	
NW 1/4 SE 1/4	8.8 ACRES	
SECTION 35		

TOWNSHIP 4 NORTH, RANGE 24 EAST, W.M.

The Department may modify the place of use with respect to the primary and supplemental nature of the water use so long as the maximum duty of water for all lands under the permit from all sources not exceed an average duty of 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

The Department shall not modify the place of use so as to allow irrigation of the Conservation Area (as identified on the map attached

as Exhibit C to the Final Order ordering the issuance of this permit, and as further described in the legal description attached as Exhibit D to the Final Order) or the Boardman Bombing Range (located generally to the east of the Place of use described above) under this Permit, or pursuant to any future amendment of this Permit, or pursuant to any resulting Certificate or subsequent transfer proceeding.

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 Department requires the permittee/water user to make and report static water level measurements. The measurements shall be made and the data reported to the Department in accordance with the following provisions:

At a minimum, the measurements shall be made at all of the wells authorized under this permit, two (2) nearby permitted wells, one being authorized under Permit G-13244 and the other being authorized under Permit G-13283, provided that such access is provided by the other landowners or permittees, and at a monitoring/observation well specifically constructed for this purpose by the permittee. The well construction for the monitoring/observation well shall be similar to that of the permitted wells, except that the diameter of the borehole and well casing may be smaller, and shall be subject to approval of the

Department. The well shall be located in T4N, R24E - Section 36, or at any other suitable location as approved by the Department.

For each well authorized under this permit, measurement of an initial static water level shall be made once construction of the well is complete and before water use begins at that well, regardless of the completion date of the well.

Measurement of static water levels at all wells included in this monitoring plan shall be semiannual between February 15 and March 15 and in the month of October. Wells authorized under this permit shall be idle for at least 60 days prior to the February/March measurement. Wells authorized under permits G-13244 and G-13283 shall be idle for at least 24 hours prior to the February/March measurement. All wells measured shall be idle for at least 24 hours prior to the October measurement. The Department may approve measurements made with a lesser period of idle time than specified above, provided that a written request is received which includes the reason(s) why the specified time cannot be met.

Following the first year of water use, the next February/March measurement shall establish the reference level against which future February/March measurements will be compared. If water use begins prior to completion of all wells authorized under this permit, the reference level for those wells completed after water use begins shall be the first February/March water level measured following well completion.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, pump installer licensed by the Construction Contractors Board or the permittee/appropriator or an employee of same. 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 Department may install equipment at the monitoring/observation well to continuously record water-level data. If such equipment is installed, then the above measurement requirements for this well

are waived. The Department shall bear the cost of the water-level recording equipment and shall also install and maintain the equipment.

The permittee shall submit annual reports of water-level data to the Department by April 1st. The reports shall be directed to the attention of file G-14827 with a copy to the Groundwater/Hydrology Section of the Department.

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 five-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.

If any of the wells listed on this permit (or replacement wells) display a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level measurement, then the Department shall consider whether any additional conditions or restrictions on the use of water are necessary. If any of the wells listed on this permit (or replacement wells) display a total static water-level decline of 50 or more feet over any period of years, as compared to the reference level measurement, then the water user shall discontinue use of that well(s) 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.

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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2008. 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 February 5, 2004


Water Resources Department
Paul W. Cleary, Director

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.