

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THREEMILE FARMS LLC  
WAYNE DOWNEY  
75906 THREEMILE ROAD  
BOARDMAN, OREGON 97818

(541) 481-6696

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

APPLICATION FILE NUMBER: G-15211

SOURCE OF WATER: THREE DRAIN TILES IN WILLOW CREEK BASIN

PURPOSE OR USE: AGRICULTURAL USE

MAXIMUM RATE: 5.57 CUBIC FEET PER SECOND

PERIOD OF USE: NOVEMBER 1 THROUGH NOVEMBER 30 FROM DRAIN TILE 1;  
NOVEMBER 1 THROUGH MARCH 1 FROM DRAIN TILES 2 AND 3

DATE OF PRIORITY: SEPTEMBER 6, 2000

LOCATION OF POINTS OF APPROPRIATION:

DRAIN TILE 1: NW 1/4 NE 1/4, SECTION 18, T3N, R23E, W.M. 1060 FEET  
SOUTH AND 2480 FEET WEST FROM THE NORTHEAST CORNER SECTION 18.

DRAIN TILE 2: SE 1/4 NE 1/4, SECTION 9, T3N, R23E, W.M. 1910 FEET  
SOUTH AND 815 FEET WEST FROM THE NORTHEAST CORNER SECTION 9.

DRAIN TILE 3: NE 1/4 SE 1/4, SECTION 6, T3N, R24E, W.M. 2480 FEET  
NORTH AND 265 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 6.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4  
SE 1/4 NE 1/4  
NE 1/4 SE 1/4  
NW 1/4 SE 1/4  
SW 1/4 SE 1/4  
SE 1/4 SE 1/4  
SECTION 13  
NE 1/4 NE 1/4  
NW 1/4 NE 1/4  
SW 1/4 NE 1/4  
SE 1/4 NE 1/4  
SECTION 24

NW ¼ NW ¼  
SW ¼ NW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SECTION 25

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 26

TOWNSHIP 3 NORTH, RANGE 23 EAST, W.M.

NE ¼ SW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SE ¼ SW ¼  
SECTION 18

NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SECTION 19

TOWNSHIP 3 NORTH, RANGE 24 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 use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

#### STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any point of appropriation listed on this permit, then use of water from the point of appropriation(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 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.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 August 8, 2002

  
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.