

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNEY TURNER  
TURNER RANCH INC.  
65708 SAND HOLLOW RD  
HEPPNER, OREGON 97836

(541) 676-9710

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

APPLICATION FILE NUMBER: G-15812

SOURCE OF WATER: TWO WELLS IN LITTLE BUTTER CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 370.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 595.9 ACRES

MAXIMUM CUMULATIVE TOTAL: 7.36 CUBIC FEET PER SECOND (CFS), BEING 4.46 CFS FROM WELL 1 AND 2.90 CFS FROM WELL 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 5, 2002

WELL LOCATIONS:

Well #1: NE ¼ NE ¼, SECTION 24, T1S, R26E, W.M.; 250 FEET SOUTH & 210 FEET WEST FROM NE CORNER, SECTION 24

Well #2: NE ¼ NE ¼, SECTION 19, T1S, R27E, W.M.; 1070 FEET SOUTH & 20 FEET WEST FROM NE CORNER, SECTION 19

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>
SW ¼ SE ¼	32.5 ACRES	
SE ¼ SE ¼	32.5 ACRES	
SECTION 15		
NE ¼ NE ¼	7.0 ACRES	32.4 ACRES
NW ¼ NE ¼	7.0 ACRES	31.0 ACRES

<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	29.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	29.7 ACRES
SECTION 22	
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.8 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.3 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 ACRES	3.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.7 ACRES	13.0 ACRES
SECTION 26	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.6 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 ACRES
SECTION 27	
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32.5 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.5 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.5 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 32.5 ACRES	
SECTION 34	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.2 ACRES	12.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 ACRES	31.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.5 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.5 ACRES	
SECTION 35	
TOWNSHIP 1 NORTH, RANGE 26 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.

### **Before Use of Water Takes Place**

#### Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in February once well construction is complete and annually thereafter until use of water begins.

#### Down-Hole Video

The permittee is required to have at least one down-hole camera run prior to having any casing and seal placed in the well.

The permittee shall produce a "down-hole" video of the new well once constructed, and provide a copy of the video to the Department. The permittee shall notify appropriate well inspectors or hydrogeologists at the Department of Water Resources at least one week before any down-hole camera work is initiated. The Department and interested parties shall be allowed to be present.

### **Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires a registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board to make and report annual static water level measurements. The static water level shall be measured in the month of **February**. Reports shall be submitted to the Oregon Water Resources Department within 30 days of measurement.

Measurements must be made according to the following schedule:

#### **After Use of Water has Begun**

The permittee shall, for a period of two years beginning no later than November, 2004, collect water level data monthly for the period November through March from the "new well" ("Well 1"), or such wells as designated by the Department of Water Resources.

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. 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 water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue 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. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Aquifer Test

The permittee shall allow and the Oregon Water Resources Department ("Department") Hydrogeology staff shall conduct, a thorough aquifer test using Well 1 (the "New Well") as the pumping well. The test shall occur only within the January through March time period, prior to wells in the area beginning irrigation use for the year. The test shall be designed by a qualified hydrogeologist, and the "Plan" for the test approved in advance by the Department. The number and locations of wells to be monitored during the test shall be determined in the Plan.

The permittee shall have its well constructor collect geologic samples at ten foot intervals and changes in lithology. Sample bags for these samples shall be provided by the Department.

If aquifer tests demonstrate that operation of the wells as proposed in application G 15812 will result in substantial interference with a senior water right 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 permittee shall cooperate fully with the Department in the enforcement of all permit conditions including those relating to discontinuing or reducing the rate of usage of water in the event specified decline events occur.

**STANDARD CONDITIONS**

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 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.

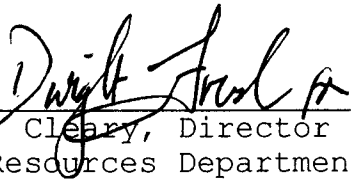
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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, 2008. 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 December 17, 2003



Paul R. Cleary, Director  
Water Resources Department

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.