

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BRAD AND JUNE ALLEN
44821 POCAHONTAS RD
BAKER CITY, OR 97814

(541) 856-3358

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

APPLICATION FILE NUMBER: G-15977

SOURCE OF WATER: WELL A, WELL B, WELL C, WELL D, WELL E, WELL F, WELL G, WELL H, WELL I, WELL J, WELL K, WELL L, WELL M, WELL O, WELL P, AND WELL R IN POWDER RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 93.3 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 3365.8 ACRES

MAXIMUM RATE: 17.98 CUBIC FEET PER SECOND (CFS); BEING 0.89 CFS FROM WELL A; 4.5 CFS FROM EACH WELL B AND WELL E; 0.25 CFS FROM EACH WELL C, WELL F, WELL G, WELL H, WELL I, WELL J, WELL L, WELL M, WELL O, WELL P, AND WELL R; 3.34 CFS FROM WELL D; AND 2.0 CFS FROM WELL K

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 4, 2003

WELL LOCATIONS:

WELL A: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15, T7S, R39E, W.M.; 1120 FEET NORTH & 990 FEET WEST FROM SE CORNER, SECTION 15
WELL B: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T7S, R39E, W.M.; 2700 FEET SOUTH & 100 FEET EAST FROM NW CORNER, SECTION 14
WELL C: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T7S, R39E, W.M.; 1000 FEET NORTH & 1650 FEET EAST FROM SW CORNER, SECTION 14
WELL D: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14, T7S, R39E, W.M.; 1970 FEET SOUTH & 2350 FEET EAST FROM NW CORNER, SECTION 14
WELL E: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T7S, R39E, W.M.; 1450 FEET SOUTH & 1820 FEET WEST FROM NE CORNER, SECTION 14
WELL F: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T7S, R39E, W.M.; 1370 FEET SOUTH & 1370 FEET WEST FROM NE CORNER, SECTION 14
WELL G: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 14, T7S, R39E, W.M.; 1300 FEET NORTH & 100 FEET WEST FROM SE CORNER, SECTION 14
WELL H: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 13, T7S, R39E, W.M.; 2600 FEET SOUTH & 1300 FEET EAST FROM NW CORNER, SECTION 13
WELL I: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T7S, R39E, W.M.; 200 FEET NORTH & 1300 FEET WEST FROM SE CORNER, SECTION 13

WELL J: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T7S, R39E, W.M.; 2600 FEET NORTH & 1200 FEET WEST FROM SE CORNER, SECTION 13
 WELL K: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 24, T7S, R39E, W.M.; 100 FEET SOUTH & 100 FEET WEST FROM NE CORNER, SECTION 24
 WELL L: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 24, T7S, R39E, W.M.; 200 FEET NORTH & 1300 FEET WEST FROM SE CORNER, SECTION 24
 WELL M: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 25, T7S, R39E, W.M.; 1300 FEET SOUTH & 1300 FEET WEST FROM NE CORNER, SECTION 25
 WELL O: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 19, T7S, R40E, W.M.; 100 FEET NORTH & 2620 FEET WEST FROM SE CORNER, SECTION 19
 WELL P: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 19, T7S, R40E, W.M.; 50 FEET NORTH & 1300 FEET WEST FROM SE CORNER, SECTION 19
 WELL R: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T7S, R39E, W.M.; 1300 FEET SOUTH & 1620 FEET WEST FROM NE CORNER, SECTION 13

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 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>
NW $\frac{1}{4}$ NE $\frac{1}{4}$		39.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		38.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		36.4 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		35.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		39.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		39.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		39.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		39.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		38.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		38.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.0 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0 ACRES	
	SECTION 13	
NW $\frac{1}{4}$ NE $\frac{1}{4}$		0.4 ACRE
SW $\frac{1}{4}$ NE $\frac{1}{4}$		39.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		39.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		1.0 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$		1.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		39.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		39.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		39.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		39.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		39.5 ACRES

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ SE ¼		39.5 ACRES
SW ¼ SE ¼		40.0 ACRES
SE ¼ SE ¼	23.3 ACRES	16.7 ACRES
	SECTION 14	
NE ¼ NE ¼		3.4 ACRES
SE ¼ NE ¼		40.0 ACRES
NE ¼ SE ¼		39.6 ACRES
SE ¼ SE ¼		39.6 ACRES
	SECTION 15	
NE ¼ NE ¼		39.6 ACRES
NW ¼ NE ¼		40.0 ACRES
SW ¼ NE ¼		40.0 ACRES
SE ¼ NE ¼		39.5 ACRES
	SECTION 22	
NE ¼ NE ¼		40.0 ACRES
NW ¼ NE ¼		40.0 ACRES
SW ¼ NE ¼		40.0 ACRES
SE ¼ NE ¼		40.0 ACRES
NE ¼ NW ¼		40.0 ACRES
NW ¼ NW ¼		39.5 ACRES
SW ¼ NW ¼		40.0 ACRES
SE ¼ NW ¼		39.4 ACRES
	SECTION 23	
NW ¼ NW ¼		40.0 ACRES
NE ¼ SE ¼		40.9 ACRES
SE ¼ SE ¼		34.6 ACRES
	SECTION 24	
NE ¼ NE ¼		35.0 ACRES
	SECTION 25	
	TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.	
NE ¼ SW ¼		32.0 ACRES
NW ¼ SW ¼		32.0 ACRES
SW ¼ SW ¼		32.0 ACRES
SE ¼ SW ¼		32.0 ACRES
SW ¼ SE ¼		35.0 ACRES
	SECTION 18	
NE ¼ NE ¼		32.0 ACRES
NW ¼ NE ¼		32.0 ACRES
SW ¼ NE ¼		32.0 ACRES
SE ¼ NE ¼		32.0 ACRES
NE ¼ NW ¼		32.0 ACRES

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NW ¼		32.0 ACRES
SW ¼ NW ¼		41.2 ACRES
SE ¼ NW ¼		32.0 ACRES
NE ¼ SW ¼		32.0 ACRES
NW ¼ SW ¼		41.8 ACRES
SW ¼ SW ¼		41.5 ACRES
SE ¼ SW ¼		32.0 ACRES
NE ¼ SE ¼		32.0 ACRES
NW ¼ SE ¼		32.0 ACRES
SW ¼ SE ¼		32.0 ACRES
SE ¼ SE ¼		32.0 ACRES

SECTION 19

NW ¼ SW ¼	32.0 ACRES
SW ¼ SW ¼	32.0 ACRES
SE ¼ SW ¼	35.0 ACRES

SECTION 20

NW ¼ NE ¼	24.4 ACRES
SW ¼ NE ¼	40.0 ACRES
SE ¼ NE ¼	18.8 ACRES
NE ¼ NW ¼	37.0 ACRES
NW ¼ NW ¼	38.0 ACRES
SW ¼ NW ¼	38.0 ACRES
SE ¼ NW ¼	40.0 ACRES
NW ¼ SW ¼	39.6 ACRES
SW ¼ SW ¼	39.4 ACRES
NE ¼ SE ¼	39.2 ACRES

SECTION 29

NE ¼ NE ¼	40.3 ACRES
NW ¼ NE ¼	37.9 ACRES
SW ¼ NE ¼	42.0 ACRES
SE ¼ NE ¼	39.3 ACRES
NE ¼ NW ¼	37.6 ACRES
NW ¼ NW ¼	36.7 ACRES
SW ¼ NW ¼	38.7 ACRES
SE ¼ NW ¼	40.7 ACRES
NE ¼ SW ¼	40.4 ACRES
NW ¼ SW ¼	25.6 ACRES
SW ¼ SW ¼	39.0 ACRES
SE ¼ SW ¼	39.6 ACRES
NE ¼ SE ¼	38.8 ACRES
NW ¼ SE ¼	42.4 ACRES
SW ¼ SE ¼	42.7 ACRES
SE ¼ SE ¼	39.5 ACRES

SECTION 30

TOWNSHIP 7 SOUTH, RANGE 40 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 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 submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate 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 static water-level decline of 25 or more feet over any period of years, as compared to the reference level, 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 25-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.

STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 August 19, 2004


Phillip E. Ward, Acting Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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.