

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JB LAND, LLC, AN OREGON LIMITED LIABILITY COMPANY  
31056 E WALLS ROAD  
HERMISTON, OR 97838

NORTHWEST FARM CREDIT SERVICE, FCLA  
2705 ST ANDREWS LOOP - PO BOX 2585  
PASCO, WA 99301-2585

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

APPLICATION FILE NUMBER: G-15897

SOURCE OF WATER: WELL 1, DRAIN TILE 1, AND DRAIN TILE 2 IN COLD SPRINGS WASH BASIN

PURPOSE OR USE: IRRIGATION USE ON 85.5 ACRES; SUPPLEMENTAL IRRIGATION USE ON 1009.8 ACRES

MAXIMUM RATE: 1.34 CUBIC FEET PER SECOND (CFS), BEING 0.67 CFS FROM WELL 1 AND 0.67 FROM DRAIN TILE 1 AND DRAIN TILE 2; BEING NO MORE THAN 1.07 CFS FOR PRIMARY IRRIGATION ON 85.5 ACRES AND NO MORE THAN 1.34 CFS FOR SUPPLEMENTAL IRRIGATION ON 1009.8 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 23, 2002

WELL LOCATION: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 26, T5N, R29E, W.M.; 150 FEET NORTH & 2250 FEET WEST FROM SE CORNER, SECTION 26

DRAIN TILES POINT OF APPROPRIATION LOCATION: SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 26, T5N, R29E, W.M.; 3200 FEET NORTH & 2000 FEET WEST FROM SE CORNER, SECTION 26

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>
NENE		1.9 ACRES
SWNE		13.2 ACRES
SENE		30.0 ACRES
NESW		17.6 ACRES
SWSW		14.1 ACRES
SESW		39.6 ACRES
NESE		29.8 ACRES
NWSE		40.0 ACRES
SWSE		38.7 ACRES
SESE		39.9 ACRES

## SECTION 24

NENE		18.1 ACRES
NWNE		40.0 ACRES
SWNE		14.3 ACRES
SENE		0.5 ACRE
NENW		38.2 ACRES
NWNW		35.3 ACRES
SWNW		33.8 ACRES
SENW		38.0 ACRES
NESW		21.0 ACRES
NWSW		34.8 ACRES
SWSW	1.2 ACRES	21.9 ACRES

## SECTION 25

NENE		19.6 ACRES
SWNE		18.2 ACRES
SENE		34.5 ACRES
SENW		0.2 ACRE
NESW		17.7 ACRES
SESW	8.9 ACRES	7.3 ACRES
NESE	9.7 ACRES	29.7 ACRES
NWSE	0.2 ACRE	35.0 ACRES
SWSE	8.1 ACRES	21.6 ACRES
SESE	3.0 ACRES	33.9 ACRES

## SECTION 26

TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NENE		28.5 ACRES
NWNE		30.2 ACRES
SWNE		34.5 ACRES
SENE		0.8 ACRE
NENW		28.1 ACRES
NWNW		32.2 ACRES
SWNW		25.7 ACRES
SENW		33.5 ACRES

SECTION 35

TOWNSHIP 5 NORTH, RANGE 29 EAST, W.M.

SWSW	11.9 ACRES
SESW	6.1 ACRES

SECTION 18

NENW	13.1 ACRES
NWNW	23.3 ACRES
SWNW	1.8 ACRES
NWSW	2.0 ACRES
SWSW	14.0 ACRES

SECTION 19

NWNW	0.1 ACRE
------	----------

SECTION 30

TOWNSHIP 5 NORTH, RANGE 30 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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and

nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

**Well #1 - Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured **during the period February 15 through March 15**. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

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

**After Use of Water has Begun**

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.

#### 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.

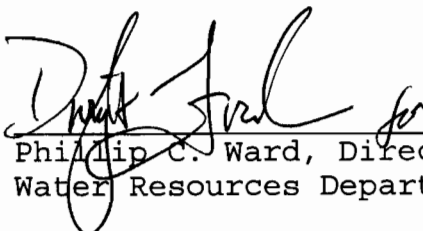
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Complete application of the water to the use shall be made on or before October 1, 2011. 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 October 12, 2006

  
Phillip C. Ward, Director  
Water Resources Department