

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM AND LORI PEILA
PO BOX 723
HINES, OR 97738

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

APPLICATION FILE NUMBER: G-17677

SOURCE OF WATER: WELL 2 (HARN 1084) AND WELL 3 IN COTE SLOUGH BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 173.6 ACRES AND SUPPLEMENTAL
IRRIGATION OF 144.8 ACRES

MAXIMUM RATE: 5.30 CUBIC FEET PER SECOND (CFS), BEING 2.65 CFS EACH
FROM WELL 2 (HARN 1084) AND WELL 3

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 28, 2013

WELL LOCATIONS:

WELL 2 (HARN 1084): NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T25S, R29E, W.M.;
1320 FEET EAST FROM W1/4 CORNER, SECTION 29

WELL 3: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 28, T25S, R29E, W.M.; 1320 FEET SOUTH
AND 1320 FEET EAST FROM E1/4 CORNER, SECTION 29

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-SIXTIETH 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>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES	
	SECTION 28	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.4 ACRES	33.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.2 ACRES	32.8 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		38.4 ACRES

SECTION 29

TOWNSHIP 25 SOUTH, RANGE 29 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter or measuring device is located within a private structure, the watermaster shall provide reasonable notice.

Static Water Level Conditions

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement the first March after the permit issues and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared.

However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment, not including acoustic sounding devices, that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

Any water use under this permit, and from any well associated with this permit, is prohibited if any of the following events occur:

- A. Annual water-level measurements reveal a cumulative water-level decline of 15 or more feet; or
- B. Hydraulic interference leads to a decline of 10 or more feet in any neighboring well with senior priority.

The period of prohibited use shall continue until the Department finds that the water level rises above the decline level which triggered the prohibition and informs the permit holder that use may restart.

Before water use under this permit begins, the permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. Alternatively, the permittee may reconstruct existing well HARN 1085 to specifications approved by the Department to be used as observation well. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while

the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the permit holder has secured any required approval from the Department for any such changes and has received written approval from the Department for any deviation regarding the construction of well(s).

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit (or added through permit amendment or transfer), then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated in a manner consistent with the Department's regulatory authority 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 well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *OCTOBER 30 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director