

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCEST RANCHES
PO BOX 1726
YAKIMA, WA 98907

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

NORTHWEST FARM CREDIT SERVICES, FLCA
PO BOX 1610
SUNNYSIDE, WA 98944

This superseding permit is issued to describe an amendment for a change in place of use, change in points of appropriation, and additional points of appropriation proposed under Permit Amendment Application T-12288 and approved by Special Order Vol. 114, Page 175, entered JAN 08 2020, and to describe extensions of time for complete application of water approved March 31, 2009, and March 22, 2019 and assignments to new permittees approved January 6, 2014, and October 30, 2014. This permit supersedes Permit G-15710

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

APPLICATION FILE NUMBER: G-15977

SOURCE OF WATER: WELLS A, B, D, E, G, H, K, S, T, U, AND WELL 1 IN POWDER RIVER BASIN

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

MAXIMUM RATE: NOT TO EXCEED 17.98 CUBIC FEET PER SECOND (CFS) IN ANY COMBINATION FROM THE WELLS; FURTHER LIMITED TO:

WELL A - TOTAL RATE OF UP TO 0.89 CFS

WELL B - TOTAL RATE OF UP TO 4.5 CFS

WELL D - TOTAL RATE OF UP TO 3.34 CFS

WELL E - TOTAL RATE OF UP TO 4.5 CFS

WELL G - TOTAL RATE OF UP TO 0.25 CFS

WELL H - TOTAL RATE OF UP TO 0.25 CFS

WELL K - TOTAL RATE OF UP TO 2.0 CFS

WELL S - TOTAL RATE OF UP TO 8.0 CFS

WELL T - TOTAL RATE OF UP TO 8.0 CFS

WELL U - TOTAL RATE OF UP TO 8.0 CFS

WELL 1 - TOTAL RATE OF UP TO 4.09 CFS

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 4, 2003

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	15	SE SE	WELL A - 1120 FEET NORTH AND 990 FEET WEST FROM THE SE CORNER OF SECTION 15
7 S	39 E	WM	14	SW NW	WELL B - 2020 FEET SOUTH AND 85 FEET EAST FROM THE NW CORNER OF SECTION 14
7 S	39 E	WM	14	SW NE	WELL D - 2050 FEET SOUTH AND 2630 FEET WEST FROM THE NE CORNER OF SECTION 14
7 S	39 E	WM	14	SW NE	WELL E - 1445 FEET SOUTH AND 1780 FEET WEST FROM THE NE CORNER OF SECTION 14
7 S	39 E	WM	14	SE SE	WELL G - 1300 FEET NORTH AND 100 FEET WEST FROM SE CORNER, SECTION 14
7 S	39 E	WM	13	SW NW	WELL H - 2600 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 13
7 S	39 E	WM	24	NE NE	WELL K - 100 FEET SOUTH AND 100 FEET WEST FROM THE NE CORNER OF SECTION 24
7 S	40 E	WM	30	SW SE	WELL S - 0 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 30
7 S	40 E	WM	29	SW SW	WELL T - 90 FEET NORTH AND 870 FEET EAST FROM THE SW CORNER OF SECTION 29
7 S	39 E	WM	24	NE SE	WELL U - 2540 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 24
7 S	39 E	WM	14	SW NE	WELL 1 - 2480 FEET WEST AND 1405 FEET SOUTH FROM THE NE CORNER OF SECTION 14

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:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	39 E	WM	13	NE SE	35.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NW SE	35.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE SE	23.3	A, B, D, E, G, H, Well 1
Total					93.3	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	39 E	WM	13	NW NE	39.2	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW NE	38.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NE NW	36.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NW NW	35.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW NW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SE NW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NE SW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	NW SW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	13	SW SW	38.5	A, B, D, E, G, H, Well 1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	39 E	WM	13	SE SW	38.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NW NE	0.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW NE	39.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE NE	39.2	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NE NW	1.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NW NW	1.7	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE NW	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NE SW	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NW SW	39.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW SW	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE SW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NE SE	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	NW SE	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SW SE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	14	SE SE	16.7	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	NE NE	3.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	SE NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	NE SE	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	15	SE SE	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	NE NE	39.6	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	NW NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	SW NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	22	SE NE	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NE NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NW NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SW NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SE NE	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NE NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	NW NW	39.5	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SW NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	23	SE NW	39.4	A, B, D, E, G, H, Well 1
7 S	39 E	WM	24	NW NW	40.0	A, B, D, E, G, H, Well 1
7 S	39 E	WM	24	NE SE	31.6	K, S, T, U
7 S	39 E	WM	24	SE SE	29.5	K, S, T, U
7 S	39 E	WM	24	SE SE	2.1	K
7 S	39 E	WM	25	NE NE	35.0	K, S, T, U
7 S	40 E	WM	18	NE SW	37.0	K, S, T, U
7 S	40 E	WM	18	NW SW	19.0	K, S, T, U
7 S	40 E	WM	18	SW SW	20.5	K, S, T, U
7 S	40 E	WM	18	SE SW	38.8	K, S, T, U
7 S	40 E	WM	18	SE SW	0.9	K
7 S	40 E	WM	18	NW SE	5.8	K, S, T, U
7 S	40 E	WM	18	SW SE	25.4	K, S, T, U
7 S	40 E	WM	18	SW SE	3.3	K
7 S	40 E	WM	18	SE SE	12.1	K, S, T, U
7 S	40 E	WM	19	NE NE	28.5	K, S, T, U
7 S	40 E	WM	19	NW NE	22.8	K, S, T, U
7 S	40 E	WM	19	NW NE	11.0	K
7 S	40 E	WM	19	SW NE	31.6	K, S, T, U
7 S	40 E	WM	19	SE NE	38.9	K, S, T, U
7 S	40 E	WM	19	SE NE	0.8	K
7 S	40 E	WM	19	NE NW	32.0	K, S, T, U

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
7 S	40 E	WM	19	NE NW	4.5	K
7 S	40 E	WM	19	NE NW	0.5	K, S, T, U
7 S	40 E	WM	19	NW NW	32.0	K, S, T, U
7 S	40 E	WM	19	SW NW	37.0	K, S, T, U
7 S	40 E	WM	19	SE NW	32.0	K, S, T, U
7 S	40 E	WM	19	NE SW	32.0	K, S, T, U
7 S	40 E	WM	19	NW SW	33.5	K, S, T, U
7 S	40 E	WM	19	SW SW	32.8	K, S, T, U
7 S	40 E	WM	19	SE SW	32.0	K, S, T, U
7 S	40 E	WM	19	NE SE	36.4	K, S, T, U
7 S	40 E	WM	19	NE SE	0.1	K
7 S	40 E	WM	19	NW SE	34.4	K, S, T, U
7 S	40 E	WM	19	SW SE	32.0	K, S, T, U
7 S	40 E	WM	19	SE SE	32.0	K, S, T, U
7 S	40 E	WM	20	NW NW	0.7	K, S, T, U
7 S	40 E	WM	20	SW NW	2.6	K, S, T, U
7 S	40 E	WM	20	SW NW	12.3	K
7 S	40 E	WM	20	NW SW	32.0	K, S, T, U
7 S	40 E	WM	20	NW SW	0.6	K
7 S	40 E	WM	20	SW SW	32.0	K, S, T, U
7 S	40 E	WM	20	SE SW	35.0	K, S, T, U
7 S	40 E	WM	29	NW NE	24.4	K, S, T, U
7 S	40 E	WM	29	SW NE	36.9	K, S, T, U
7 S	40 E	WM	29	SW NE	3.1	K
7 S	40 E	WM	29	SE NE	18.8	K, S, T, U
7 S	40 E	WM	29	NE NW	37.0	K, S, T, U
7 S	40 E	WM	29	NW NW	38.0	K, S, T, U
7 S	40 E	WM	29	SW NW	38.0	K, S, T, U
7 S	40 E	WM	29	SE NW	36.9	K, S, T, U
7 S	40 E	WM	29	SE NW	3.1	K
7 S	40 E	WM	29	NW SW	39.6	K, S, T, U
7 S	40 E	WM	29	SW SW	39.4	K, S, T, U
7 S	40 E	WM	29	NE SE	39.2	K, S, T, U
7 S	40 E	WM	30	NE NE	40.3	K, S, T, U
7 S	40 E	WM	30	NW NE	37.9	K, S, T, U
7 S	40 E	WM	30	SW NE	42.0	K, S, T, U
7 S	40 E	WM	30	SE NE	39.3	K, S, T, U
7 S	40 E	WM	30	NE NW	37.6	K, S, T, U
7 S	40 E	WM	30	NW NW	36.7	K, S, T, U
7 S	40 E	WM	30	SW NW	38.7	K, S, T, U
7 S	40 E	WM	30	SE NW	40.7	K, S, T, U
7 S	40 E	WM	30	NE SW	40.4	K, S, T, U
7 S	40 E	WM	30	NW SW	25.6	K, S, T, U
7 S	40 E	WM	30	SW SW	39.0	K, S, T, U
7 S	40 E	WM	30	SE SW	39.6	K, S, T, U
7 S	40 E	WM	30	NE SE	38.8	K, S, T, U
7 S	40 E	WM	30	NW SE	42.4	K, S, T, U
7 S	40 E	WM	30	SW SE	42.7	K, S, T, U
7 S	40 E	WM	30	SE SE	39.5	K, S, T, U
Total					3365.8	

Permit Amendment T-12288 Conditions

The combined quantity of water diverted at the new points of appropriation (Well S, Well T, Well U and Well 1), together with that diverted at the old points of appropriation (Well A, Well B, Well D, Well E, Well G, Well H, Well I, and Well K), shall not exceed the quantity of water lawfully available at the original points of appropriation (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).

Water use measurement conditions:

- a) Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
- b) The water user shall maintain the meters or measuring devices in good working order.
- c) The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2013 and October 1, 2018.**

- a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Last Extension Condition

This shall be the last extension of time granted for Permit G-15710. Any future extensions of time request shall be denied.

Existing Permit Conditions

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.

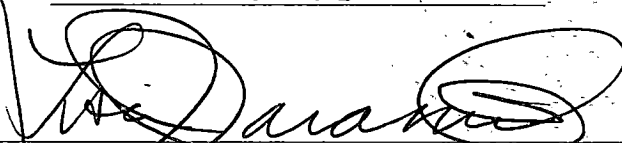
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 was to be made on or before October 1, 2008. By Extension of Time Final Order dated March 31, 2019, the completion of the application of water was extended to on or before October 1, 2023.

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 JAN 08 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director
Oregon 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.oregon.gov/owrd>, 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.