

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SUNNYSIDE DAIRY LLC
4581 MAPLE GROVE RD
SUNNYSIDE, WA 98944

This superseding permit is issued to describe an amendment for a change in points of appropriation and change in place of use proposed under Permit Amendment Application T-12438 and approved by Special Order Vol. 105, Page 650, entered AUG 18 2017, and to describe an amendment for a change in point of appropriation under Permit Amendment T-11032 approved by Special Order Vol. 82, Pages 1130-1133, entered October 18, 2010, and to describe an extension of time for complete application of water approved March 28, 2014, and assignments to a new permittee approved March 20, 2008, June 15, 2010, and August 9, 2013. This permit supersedes Permit G-16241.

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

APPLICATION FILE NUMBER: G-16668

SOURCE OF WATER: WELL 1, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 11, WELL 12, WELL 13, WELL 14, AND NEWEST WELL ALL IN THE HARNEY LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 1148.8 ACRES

MAXIMUM RATE: 14.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 12, 2006

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GPS COORDINATES
26 S	30 E	WM	11	SE NW	Well 1: Latitude: 43.3343870 Longitude: -119.0933000
26 S	30 E	WM	12	SW NW	Well 5: Latitude: 43.3332926 Longitude: -119.0788236
26 S	30 E	WM	13	NW NE	Well 6: Latitude: 43.3204644 Longitude: -119.0673774
26 S	30 E	WM	12	SW SE	Well 7: Latitude: 43.3248508 Longitude: -119.0679378
26 S	30 E	WM	12	SE SE	Well 8: Latitude: 43.3243284 Longitude: -119.0605334
26 S	31 E	WM	18	NW NW	Well 9: Latitude: 43.3201902 Longitude: -119.0540592
26 S	30 E	WM	13	SW NE	Well 11: Latitude: 43.3179720 Longitude: -119.0641322
26 S	30 E	WM	12	SW NW	Well 12: Latitude: 43.3311052 Longitude: -119.0756624
26 S	30 E	WM	11	SW NW	Well 13: Latitude: 43.3311394 Longitude: -119.0985218
26 S	30 E	WM	13	NW NE	Well 14: Latitude: 43.3222564 Longitude: -119.0674706
26 S	30 E	WM	11	SE NE	Newest Well: Latitude: 43.3322900 Longitude: -119.0791310

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.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	10	SE NE	30.0
26 S	30 E	WM	10	NE SE	28.5
26 S	30 E	WM	11	NE NE	30.5
26 S	30 E	WM	11	NW NE	30.5
26 S	30 E	WM	11	SW NE	31.0
26 S	30 E	WM	11	SE NE	30.5
26 S	30 E	WM	11	NE NW	20.0
26 S	30 E	WM	11	NW NW	16.0
26 S	30 E	WM	11	SW NW	32.5
26 S	30 E	WM	11	SE NW	31.0
26 S	30 E	WM	11	NE SW	10.0
26 S	30 E	WM	11	NW SW	22.0
26 S	30 E	WM	11	SE SW	6.0
26 S	30 E	WM	12	NW NE	30.0
26 S	30 E	WM	12	SW NE	34.0
26 S	30 E	WM	12	NE SW	0.3
26 S	30 E	WM	12	SE SW	15.7
26 S	30 E	WM	12	NE SE	30.0
26 S	30 E	WM	12	NW SE	30.5

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	12	SW SE	35.0
26 S	30 E	WM	12	SE SE	29.5
26 S	30 E	WM	13	NE NE	30.2
26 S	30 E	WM	13	NW NE	5.0
26 S	30 E	WM	13	SW NE	18.0
26 S	30 E	WM	13	SE NE	1.1
26 S	30 E	WM	13	NE NW	20.5
26 S	30 E	WM	13	SE NW	21.0
26 S	31 E	WM	7	NE SW	28.5
26 S	31 E	WM	7	NW SW	28.0
26 S	31 E	WM	7	SW SW	32.5
26 S	31 E	WM	7	SE SW	33.5
26 S	31 E	WM	17	NE NW	30.0
26 S	31 E	WM	17	NW NW	28.0
26 S	31 E	WM	17	SW NW	32.0
26 S	31 E	WM	17	SE NW	32.5
26 S	31 E	WM	17	NE SW	30.5
26 S	31 E	WM	17	NW SW	33.0
26 S	31 E	WM	17	SW SW	31.5
26 S	31 E	WM	17	SE SW	30.5
26 S	31 E	WM	18	NE NE	31.3
26 S	31 E	WM	18	NW NE	31.2
26 S	31 E	WM	18	SW NE	31.0
26 S	31 E	WM	18	SE NE	34.5
26 S	31 E	WM	18	NE SE	31.0
Total					1148.8

Permit Amendment T-12438 Conditions:

The combined quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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

Permit Amendment T-11031 Conditions:

The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

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

Existing Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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 Department requires the water user to obtain, from a qualified individual (see below), the 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 once well construction is complete 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 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 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.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet; in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water user shall not 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 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 not be valid, unless the Department authorizes the change in writing.

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 wells 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.

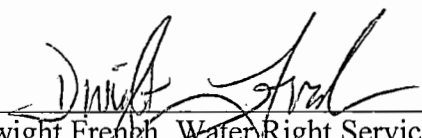
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The original permit was issued January 17, 2008. By Extension of Time Final Order issued March 28, 2014 the completion of construction and complete application of the water the use was extended to October 1, 2017. 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 AUG 18 2017 , 2017



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department