

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

DAN NICHOLS  
48642 MCCOY CREEK RD  
DIAMOND, OR 97722

**This superseding permit is issued to describe an amendment for additional points of appropriation and change in place of use under Permit Amendment Application T-12379 and approved by Special Order Vol. 113, Page 1086, entered September 10, 2019, and to describe an extension of time for complete application of water approved January 9, 2015, and March 15, 2019, and an assignment approved May 4, 2009. This permit supersedes Permit G-13887.**

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

APPLICATION FILE NUMBER: G-14960

SOURCES OF WATER: FOUR WELLS IN THE MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 105.2 ACRES

MAXIMUM RATE: 1.31 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 1, 1999

POINT OF DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	33 E	WM	28	SE SW	WELL 5 - 6500 FEET NORTH AND 2690 FEET WEST FROM THE SE CORNER OF SECTION 33
26 S	33 E	WM	29	SW NE	WELL 2 - 1361 FEET SOUTH AND 3956 FEET EAST FROM THE NW CORNER OF SECTION 29
26 S	33 E	WM	29	SW NE	WELL 3 - 1345 FEET SOUTH AND 3920 FEET EAST FROM THE NW CORNER OF SECTION 29
26 S	33 E	WM	29	SW NE	WELL 4 (original) - 2700 FEET NORTH AND 6645 FEET WEST FROM THE SE CORNER OF SECTION 28

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	33 E	WM	28	NW SW	25.0
26 S	33 E	WM	29	SW NE	6.2
26 S	33 E	WM	29	SE NE	6.2
26 S	33 E	WM	29	NE SE	35.0
26 S	33 E	WM	29	NW SE	25.5
26 S	33 E	WM	29	SE SE	7.3
Total					105.2

**Permit Amendment T-12379 Conditions:**

The combined quantity of water diverted at the new points of appropriation (Wells 2, 3, and 5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 4).

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

The former place of use shall no longer be irrigated as part of this permit.

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 new point of appropriation.
- 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.

**Extension of Time Conditions:**

**Permit Amendment Condition**

The use of any water beyond 1.31 cfs from the unauthorized Well 4 under Permit G-13887 is subject to this condition.

No water may be used from any well not currently authorized under Permit G-13887. If additional wells are authorized by the approval of Permit Amendment T-12379, the water user must demonstrate beneficial use of water from the newly authorized points of appropriation, by October 1, 2019.

**Last Extension Condition**

This shall be the last extension of time granted for Permit G-13887. Any future extensions of time request shall be denied.



**Original 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.

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.

**STANDARD CONDITIONS**

The wells shall be constructed in accordance with the General Standards of 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 to determine water level elevation in the wells 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.

The 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.

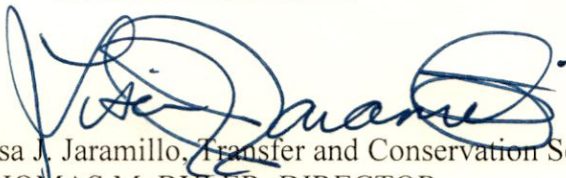
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The original permit was issued April 27, 2001. Actual construction was to begin on or before February 22, 2002. By Extension of Time Final order dated March 15, 2019, the deadline for completing construction and for complete application of water to use was extended to October 1, 2019. 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 SEP 10 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

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.