

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RATTLESNAKE CREEK LAND AND CATTLE, LLC.  
524 HWY 20 N  
HINES, OR 97738

**This superseding permit is issued to describe an amendment for additional points of appropriation changes in points of appropriation and a change in place of use proposed under Permit Amendment Application T-12257 and approved by Special Order Vol. 109, Page 539, entered OCT 08 2018, and to describe an extension of time for complete application of water approved July 8, 2016. This permit supersedes Permit G-16829.**

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

APPLICATION FILE NUMBER: G-17146

SOURCE OF WATER: THIRTEEN WELLS IN HARNEY LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 37.6 ACRES

MAXIMUM RATE: 0.47 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 24, 2008

WELL #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	25 S	30 E	WM	33	SE NW	HARN 1094 - 1317 FEET SOUTH AND 1355 FEET EAST FROM NW CORNER OF SECTION 33
5	25 S	30 E	WM	33	SW NE	HARN 51146 - 4195 FEET SOUTH AND 2672 FEET WEST FROM THE NE CORNER OF SECTION 33
7	25 S	30 E	WM	34	SE SW	HARN 51272 - 4725 FEET SOUTH AND 1877 FEET EAST FROM THE NW CORNER OF SECTION 34
9	25 S	30 E	WM	33	SE SW	*HARN 51448 - 4423 FEET SOUTH AND 2750 FEET WEST FROM THE NE CORNER OF SECTION 33
10	26 S	30 E	WM	3	NW NW	HARN 51765 - 6310 FEET SOUTH AND 415 FEET EAST FROM THE NW CORNER OF SECTION 34
11	26 S	30 E	WM	3	NW NW	HARN 51760 - 6340 FEET SOUTH AND 330 FEET EAST FROM THE NW CORNER OF SECTION 34

WELL #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12	25 S	30 E	WM	33	SE NW	HARN 51817 - 2690 FEET SOUTH AND 2890 FEET EAST FROM THE NE CORNER OF SECTION 33
13	26 S	30 E	WM	4	NE NW	HARN 51445 - 6415 FEET SOUTH AND 2745 FEET WEST FROM THE NE CORNER OF SECTION 33
14	25 S	30 E	WM	33	SE SE	HARN 51871 - 4314 FEET NORTH AND 870 FEET WEST FROM THE NE CORNER OF SECTION 33
15	25 S	30 E	WM	33	SE SE	HARN 51970 - 4314 FEET NORTH AND 920 FEET WEST FROM THE SE CORNER OF SECTION 33
16	25 S	30 E	WM	29	SE SE	HARN 52121 - 1200 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF SECTION 29
17	25 S	30 E	WM	3	NW NW	HARN 52154 - 6300 FEET SOUTH AND 440 FEET EAST FROM THE NW CORNER OF SECTION 34
18	25 S	30 E	WM	29	SE SE	HARN 52170 - 1200 FEET NORTH AND 850 FEET WEST FROM THE SE CORNER OF SECTION 29

**\*In the table above indicates the Original Point of Appropriation.**

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	30 E	WM	34	SW NW	0.2
25 S	30 E	WM	34	SE NW	8.2
25 S	30 E	WM	34	NE SW	26.2
25 S	30 E	WM	34	NW SW	3.0
Total:					37.6

**T-12257 Permit Amendment Conditions:**

Before water use may begin, the water user shall

- a) Install a totalizing flow meter, or other suitable measuring device, at each point of appropriation.
- b) The water user shall maintain the meters of 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.

**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.
- 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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 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 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 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.

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.

### **Extension of Time Conditions**

#### **Checkpoint Condition:**

The permit holder must submit a completed Progress Report Form to the Department by 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 537.25;
- 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.

**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 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 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 well(s) 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.

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 existing 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.

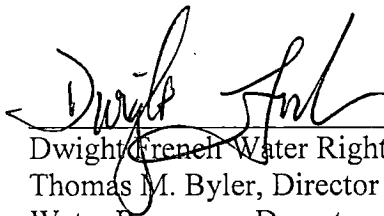
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 was extended through an application for extension of time and is October 1, 2021. 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 OCT 08 2018



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