

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ANDY ROOT  
524 HWY 20 N  
HINES OR 97738

This superseding permit is issued to describe an amendment for a change in point of appropriation, an additional point of appropriation and a change in the place of use, and the partial diminishment proposed under Permit Amendment Application T-12267 and approved by Special Order Vol. 109, Pages 546-551, entered October 8, 2018. This permit supersedes Permit G-17574.

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

APPLICATION FILE NUMBER: G-14678

SOURCE OF WATER: FIFTEEN WELLS IN RATTLESNAKE CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 1292.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 295.5 ACRES

MAXIMUM RATE: 16.81 CUBIC FEET PER SECOND (CFS), BEING 3.8 CFS WELL 1, 1.1 CFS WELL 2, 2.8 CFS WELL 3, 2.86 CFS WELL 4, 1.6 CFS WELL 5, 0.32 CFS WELL 6, 0.33 CFS WELL 7, 4.0 CFS WELL 8; OR A CUMULATIVE RATE NOT TO EXCEED 16.81 CFS FROM ANY COMBINATION OF WELLS 1-8 AS LIMITED ABOVE, AND WELLS 9, 10, 18, 20, 21, AND 22.

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30.

DATE OF PRIORITY: FEBRUARY 2, 1998

AUTHORIZED POINTS OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q'	Measured Distances
22 S	32.5 E	WM	33	NE NW	WELL 1: 25 FOOT SOUTH AND 660 FEET WEST FROM THE N1/4 CORNER OF SECTION 33
22 S	32.5 E	WM	33	NE NW	WELL 2: 110 FEET SOUTH AND 665 FEET WEST FROM THE N1/4 CORNER OF SECTION 33
22 S	32.5 E	WM	34	NW SE	WELL 3: 1365 FEET NORTH AND 1365 FEET WEST FROM THE SE CORNER OF SECTION 33
22 S	32.5 E	WM	34	NE SW	WELL 4: 2710 FEET SOUTH AND 830 FEET WEST FROM THE N1/4 CORNER OF SECTION 34
22 S	32.5 E	WM	34	SE NE	WELL 5: 5 FEET NORTH AND 830 FEET WEST FROM THE E1/4 CORNER OF SECTION 34

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	32.5 E	WM	34	NW NE	WELL 6: 1320 FEET SOUTH AND 1320 FEET EAST FROM THE N1/4 CORNER OF SECTION 34
22 S	32.5 E	WM	34	NW NE	WELL 6A- 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 34
22 S	32.5 E	WM	33	NW NW	WELL 7: 25 FEET SOUTH AND 45 FEET EAST FROM THE NW CORNER OF SECTION 33
22 S	32.5 E	WM	32	NE NE	WELL 8: 35 FEET SOUTH AND 1245 FEET WEST FROM THE NE CORNER OF SECTION 32
22 S	32.5 E	WM	34	SE SE	WELL 9: 1055 FEET NORTH AND 130 FEET WEST FROM THE SE CORNER OF SECTION 34
22 S	32.5 E	WM	33	SW NE	WELL 10: 2605 FEET SOUTH AND 750 FEET EAST FROM THE N1/4 CORNER OF SECTION 33
22 S	32.5 E	WM	33	NE NW	WELL 18: 5 FEET SOUTH AND 1320 FEET WEST FROM THE N1/4 CORNER OF SECTION 33
22 S	32.5 E	WM	29	SW SE	WELL 20- 1250 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 29
22 S	32.5 E	WM	32	NW NW	WELL 21- 300 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 32
22 S	32.5 E	WM	34	NW NE	WELL 22- 5 FEET SOUTH AND 1500 FEET EAST FROM THE W1/4 CORNER OF SECTION 33

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
22 S	32.5 E	WM	29	NE SW	20.4
22 S	32.5 E	WM	29	NW SW	27.7
22 S	32.5 E	WM	29	SW SW	39
22 S	32.5 E	WM	29	SE SW	39.9
22 S	32.5 E	WM	29	SW SE	30
22 S	32.5 E	WM	29	SE SE	30
22 S	32.5 E	WM	30	SW NE	27.6
22 S	32.5 E	WM	30	SE NE	10.3
22 S	32.5 E	WM	30	SE NW	17.7
22 S	32.5 E	WM	30	NE SE	20.2
22 S	32.5 E	WM	31	NE NE	5.3
22 S	32.5 E	WM	31	SE NE	2.6
22 S	32.5 E	WM	31	SW SE	3.7
22 S	32.5 E	WM	31	SE SE	11.8
22 S	32.5 E	WM	32	NE NE	7.1
22 S	32.5 E	WM	32	NW NE	37.8
22 S	32.5 E	WM	32	SW NE	6.3
22 S	32.5 E	WM	32	SE NE	8.7
22 S	32.5 E	WM	32	NE NW	6.2
22 S	32.5 E	WM	32	NW NW	9.2
22 S	32.5 E	WM	32	NE SW	22.8
22 S	32.5 E	WM	32	NW SW	3.3
22 S	32.5 E	WM	32	SE SW	27.1
22 S	32.5 E	WM	32	NE SE	31.2
22 S	32.5 E	WM	32	NW SE	35.4

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32.5 E	WM	32	SW SE	29.9
22 S	32.5 E	WM	32	SE SE	27.6
22 S	32.5 E	WM	33	NE NE	31.4
22 S	32.5 E	WM	33	NW NE	31.4
22 S	32.5 E	WM	33	SW NE	31.4
22 S	32.5 E	WM	33	SE NE	31.4
22 S	32.5 E	WM	33	NE NW	31.4
22 S	32.5 E	WM	33	NW NW	31.4
22 S	32.5 E	WM	33	SW NW	31.4
22 S	32.5 E	WM	33	SE NW	31.4
22 S	32.5 E	WM	33	NE SE	31.4
22 S	32.5 E	WM	33	NW SE	31.4
22 S	32.5 E	WM	33	SW SE	31.4
22 S	32.5 E	WM	33	SE SE	31.4
22 S	32.5 E	WM	34	NE NE	31.4
22 S	32.5 E	WM	34	NW NE	31.4
22 S	32.5 E	WM	34	SW NE	31.4
22 S	32.5 E	WM	34	SE NE	31.4
22 S	32.5 E	WM	34	NE NW	31.4
22 S	32.5 E	WM	34	NW NW	31.4
22 S	32.5 E	WM	34	SW NW	31.4
22 S	32.5 E	WM	34	SE NW	31.4
22 S	32.5 E	WM	34	NE SW	31.4
22 S	32.5 E	WM	34	NW SW	31.4
22 S	32.5 E	WM	34	SW SW	31.4
22 S	32.5 E	WM	34	SE SW	31.4
Total:					1292.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	32.5 E	WM	31	NE NE	1.7
22 S	32.5 E	WM	31	SE NE	19.2
22 S	32.5 E	WM	31	NE SE	33.1
22 S	32.5 E	WM	31	NW SE	7.6
22 S	32.5 E	WM	31	SW SE	4.3
22 S	32.5 E	WM	31	SE SE	19.9
22 S	32.5 E	WM	32	SW NW	8.5
22 S	32.5 E	WM	32	SW NE	31.7
22 S	32.5 E	WM	32	NE NW	27.5
22 S	32.5 E	WM	32	NW NW	24.6
22 S	32.5 E	WM	32	SW NW	31.5
22 S	32.5 E	WM	32	SE NW	29.8
22 S	32.5 E	WM	32	NE SW	3.1
22 S	32.5 E	WM	32	NW SW	28.5
22 S	32.5 E	WM	32	SW SW	23.6
22 S	32.5 E	WM	32	SE SW	0.9
Total:					295.5

## PERMIT AMENDMENT T-12267 CONDITIONS

The quantity of water diverted at the new point of appropriation (Well 20) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 19).

The combined quantity of water diverted at the new points of appropriation (Wells 6A, 21, and 22), together with that diverted at the old points of appropriation (Wells 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 18, and 19), shall not exceed the quantity of water lawfully available at the original points of appropriation.

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.

## PERMIT AMENDMENT T-11803 CONDITIONS

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

Prior to water use from the proposed points of appropriation, 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.

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.

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

**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.

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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

**STANDARD CONDITIONS**

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.

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.

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 shall be made on or before October 1, 2018. 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 Right Examiner (CWRE).

Issued OCT 08 2018



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