

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA, MANAGER
4581 MAPLE GROVE ROAD
SUNNYSIDE, WA 98944

This superseding permit is issued to describe an amendment for additional points of appropriation and a change in place of use proposed under Permit Amendment Application T-12505 and approved by Special Order Vol. 112, Page 585, entered February 12, 2019, and to describe an extension of time for complete application of water approved July 22, 2016 and an assignment to a new permittee approved February 22, 2010 and August 8, 2013. This permit supersedes Permit G-12301.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12559

SOURCE OF WATER: FIVE WELLS WITHIN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 255.0 ACRES

RATE OF USE: 3.19 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 7, 1991

WELL LOCATIONS:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	2	NE SW	260 FEET SOUTH AND 40 FEET EAST FROM THE W 1/4 CORNER OF SECTION 1
26 S	30 E	WM	2	NE SW	Lat. 43.3452880, Long. -119.0889330
26 S	30 E	WM	2	SE SE	Lat. 43.3383244, Long. -119.0804376
26 S	30 E	WM	11	SE NW	Lat. 43.3343870, Long. -119.0933000
26 S	30 E	WM	11	SW SW	Lat. 43.3311394, Long. -119.0985218

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	30 E	WM	2	NE SW	34.4
26 S	30 E	WM	2	NW SW	16.3
26 S	30 E	WM	2	SW SW	12.7
26 S	30 E	WM	2	SE SW	23.0
26 S	30 E	WM	2	NE SE	31.9
26 S	30 E	WM	2	NW SE	31.9
26 S	30 E	WM	2	SW SE	37.9
26 S	30 E	WM	2	SE SE	31.9
26 S	30 E	WM	3	SE SE	1.0
26 S	30 E	WM	10	NE NE	2.0
26 S	30 E	WM	11	NW NE	8.0
26 S	30 E	WM	11	NE NW	11.0
26 S	30 E	WM	11	NW NW	13.0
Total					255.0

Permit Amendment T-12505 Conditions:

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

Extension of Time Conditions

Last Extension Condition

This is to be the last extension of time granted for Permit G-12301. Any future extension of time requests will 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.

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.

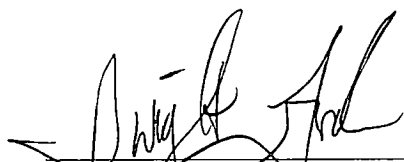
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well was to begin within one year from permit issuance and was to be completed on or before October 1, 1998. Complete application of the water to the use was to be made on or before October 1, 1999. By extension of Time Final Order dated July 22, 2016, the completion of construction and application of water was extended to on or before October 1, 2025.

Issued FEB 12 2019



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