

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

AUTHORIZED REPRESENTATIVE
BANK OF EASTERN OREGON
PO BOX 39
HEPPNER, OR 97836

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-12873 and approved by Special Order Vol. 112, Page 555, entered February 11, 2019, and to describe an extension of time for complete application of water approved July 25, 2014, and an assignment approved October 3, 2017. This permit supersedes Permit G-12033.

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

APPLICATION FILE NUMBER: G-12485

SOURCE OF WATER: WELL 1, WELL 2, WELL 4, AND WELL 5 WITHIN THE SILVIES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 206.0 ACRES

RATE OF USE: 2.58 CFS

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 1

DATE OF PRIORITY: APRIL 15, 1991

POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32.5 E	WM	16	NE NW	WELL 5 - 1141 FEET SOUTH AND 1509 FEET EAST FROM THE NW CORNER OF SECTION 16
24 S	32.5 E	WM	16	NW NW	WELL 2 - 948 FEET SOUTH AND 971 FEET EAST FROM THE NW CORNER OF SECTION 16
24 S	32.5 E	WM	16	SE NW	WELL 4 - 2442 FEET SOUTH AND 2640 FEET EAST FROM THE NW CORNER OF SECTION 16
24 S	32.5 E	WM	16	NE SW	WELL 1 - 2310 FEET NORTH AND 2640 FEET EAST FROM THE SW CORNER OF SECTION 16

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
24 S	32.5 E	WM	16	NE NE	11.2
24 S	32.5 E	WM	16	NW NE	10.6
24 S	32.5 E	WM	16	SW NE	17.0
24 S	32.5 E	WM	16	SE NE	13.0
24 S	32.5 E	WM	16	NE NW	12.3
24 S	32.5 E	WM	16	NW NW	11.3
24 S	32.5 E	WM	16	SW NW	11.6
24 S	32.5 E	WM	16	SE NW	15.9
24 S	32.5 E	WM	16	NE SW	17.1
24 S	32.5 E	WM	16	NW SW	10.7
24 S	32.5 E	WM	16	SW SW	10.4
24 S	32.5 E	WM	16	SE SW	12.7
24 S	32.5 E	WM	16	NE SE	11.8
24 S	32.5 E	WM	16	NW SE	14.6
24 S	32.5 E	WM	16	SW SE	12.3
24 S	32.5 E	WM	16	SE SE	13.5
Total					206.0

Permit Amendment T-12873 Conditions:

The combined quantity of water diverted at the new points of appropriation (Wells 1 and 4), together with that diverted at the old points of appropriation (Wells 2 and 5), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 2 and 5).

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.

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

Extension of Time Conditions:**Last Extension Condition**

This is to be the last extension of time granted for Permit G-12033. Any future extension of time requests will be denied.

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2017.

- (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 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (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.

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 device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

Groundwater production shall be no shallower than 150 feet below land surface.

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.

The original permit was issued December 13, 1995. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final Order dated July 25, 2014, the deadline for complete application of water to use was extended to October 1, 2022.

Issued FEB 11 2019;



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