

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GOLDEN RULE FARMS, INC.  
PO BOX 255  
CHRISTMAS VALLEY, OR 97641

**This superseding permit is issued to describe an amendment for additional points of appropriation, a change in point of appropriation, and a change in the place of use proposed under Permit Amendment Application T-13011 and approved by Special Order Vol. 113, Page 840, entered August 07, 2019, and to describe an Extension of Time for complete application of water approved December 26, 2014, and an assignment approved on March 17, 2017. This permit supersedes Permit G-15451.**

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

APPLICATION FILE NUMBER: G-15118

SOURCE OF WATER: EIGHT WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 596.6 ACRES

MAXIMUM RATE: 7.45 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 5, 2000

POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q*	Measured Distances
25 S	30 E	WM	36	SE SE	WELL 15 - 30 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 36
25 S	31 E	WM	28	SE SW	WELL 1A - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27
25 S	31 E	WM	31	NW SE	WELL 1 - 1310 FEET NORTH AND 1505 FEET WEST FROM THE SE CORNER OF SECTION 31
25 S	31 E	WM	31	SW SE	WELL 2 - 130 FEET NORTH AND 210 FEET EAST FROM THE S1/4 CORNER OF SECTION 31
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	1	SW NE	WELL 3 - 2160 FEET SOUTH AND 2340 FEET WEST FROM THE NE CORNER OF SECTION 1
26 S	30 E	WM	1	SW NW	WELL 16 - 250 FEET NORTH AND 730 FEET EAST FROM THE W1/4 CORNER OF SECTION 1
26 S	30 E	WM	1	SW NW	WELL 17 - 16 FEET NORTH AND 100 FEET EAST FROM THE W1/4 CORNER OF SECTION 1

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 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	GLot	Acres
25 S	31 E	WM	5	NW NE		0.1
25 S	31 E	WM	5	NE NW		1.1
25 S	31 E	WM	5	NW NW		1.1
25 S	31 E	WM	28	SW NE		28.4
25 S	31 E	WM	28	SE NW		29.8
25 S	31 E	WM	28	NE SW		30.4
25 S	31 E	WM	28	SE SW		1.0
25 S	31 E	WM	31	NE SE		28.3
25 S	31 E	WM	31	NW SE		30.8
25 S	31 E	WM	31	SW SE		31.1
25 S	31 E	WM	31	SE SE		27.4
25 S	31 E	WM	32	SE NE		0.4
25 S	31 E	WM	32	NE SE		1.4
25 S	31 E	WM	32	NW SE		0.2
25 S	31 E	WM	32	SW SE		1.2
25 S	31 E	WM	33	NE NW		25.4
25 S	31 E	WM	33	NW NW		27.9
25 S	31 E	WM	33	SW NW		35.1
25 S	31 E	WM	33	SE NW		31.5
25 S	31 E	WM	33	NE SW		2.0
25 S	31 E	WM	33	NW SW		2.0
26 S	30 E	WM	1	NE NE	1	32.5
26 S	30 E	WM	1	NW NE	2	32.5
26 S	30 E	WM	1	SW NE		32.5
26 S	30 E	WM	1	SE NE		32.5
26 S	30 E	WM	1	NE NW	3	32.5
26 S	30 E	WM	1	NW NW	4	32.5
26 S	30 E	WM	1	SW NW		32.5
26 S	30 E	WM	1	SE NW		32.5
					Total	596.6

**Extension of Time Conditions:****Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2015**.

- (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 Checkpoint requires the permit holder to install a meter and submit annual reports of the amount of water used each month.**
- (c) 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.

**Permit Amendment T-13011 Conditions:**

The quantity of water diverted at the new point of appropriation (Proposed Well 16), shall not exceed the quantity of water lawfully available at the original point of appropriation (Original Well 16).

The combined quantity of water diverted at the new points of appropriation (Wells 1, 1A, 2, 3, and 18), together with that diverted at the old points of appropriation (Wells 15, Original Well 16, and Well 17), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 15, Original Well 16, and Well 17).

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 not be irrigated as part of this permit.

**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 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.

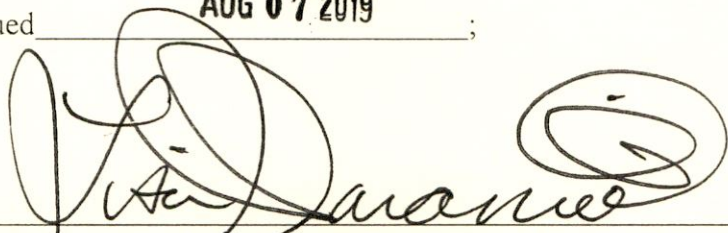
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 June 20, 2003. Complete application of the water to the use was to be made on or before October 1, 2007. By Extension of Time Final Order dated December 26, 2014, the deadline for complete application of water to use was extended to October 30, 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 **AUG 07 2019** \_\_\_\_\_;



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

