

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOUGLAS J. AND ELSIE D. NEWMAN  
RT 1 BOX 59A  
HAINES, OR 97833

BRENT STUMBAUGH  
PO BOX 223  
HAINES, OR 97833

**This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-10494 and approved by Special Order Vol. 74, Page 1013, entered May 27, 2008, and an amendment for an additional points of appropriation proposed under Permit Amendment Application T-12618 and approved by Special Order Vol. 114, Page 941, entered January 21, 2020, an Extension of Time approved May 16, 2019, and a partial assignment approved on June 1, 2006. This permit supersedes Permit G-13738.**

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

APPLICATION FILE NUMBER: G-13804

SOURCE OF WATER: FIVE WELLS IN BIG MUDDY CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 401.33 ACRES

MAXIMUM RATE: 4.50 CUBIC FEET PER SECOND (CFS), BEING 2.25 CFS FROM ANY COMBINATION OF WELLS 1, 3, 4, AND A and 2.25 CFS FROM ANY COMBINATION OF WELLS 2, 3, AND 4

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 31, 1994

POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	23	SE SW	WELL 3 - 1270 FEET NORTH AND 2580 FEET EAST FROM THE SE CORNER OF SECTION 22
7 S	38 E	WM	26	NW NW	WELL 2 - 10 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 26

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	26	NE SW	WELL A – 1220 FEET SOUTH AND 899 FEET WEST FROM THE C1/4 CORNER OF SECTION 27
7 S	38 E	WM	27	NE SE	WELL 1 - 3270 FEET SOUTH AND 50 FEET WEST FROM THE NW CORNER OF SECTION 26
7 S	38 E	WM	27	NE SE	WELL 4 – 3745 FEET SOUTH AND 230 FEET WEST FROM THE NW CORNER OF SECTION 26

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:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Well
7 S	38 E	WM	23	SW SW	40.00	WELL 2 AND 3
7 S	38 E	WM	23	SE SW	40.00	WELL 2 AND 3
7 S	38 E	WM	26	NE NW	40.00	WELL 2 AND 3
7 S	38 E	WM	26	NW NW	40.00	WELL 2 AND 3
7 S	38 E	WM	27	SW NE	26.00	WELL 1, 4, AND A
7 S	38 E	WM	27	SE NE	27.00	WELL 1, 4, AND A
7 S	38 E	WM	27	SE NW	27.63	WELL 1, 4, AND A
7 S	38 E	WM	27	NE SW	39.70	WELL 1, 4, AND A
7 S	38 E	WM	27	SW SW	11.00	WELL 1, 4, AND A
7 S	38 E	WM	27	SE SW	40.00	WELL 1, 4, AND A
7 S	38 E	WM	27	NE SE	35.00	WELL 1, 4, AND A
7 S	38 E	WM	27	NW SE	35.00	WELL 1, 4, AND A
Total					401.33	

**Permit Amendment T-12618 Conditions:**

1. The combined quantity of water diverted at the new additional points of appropriation (Wells 3 and 4), together with that diverted at the old points of appropriation (Wells 1 and 2) shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 2).
2. 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.
  - 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.

**Extension of Time Conditions:**

**Water Use Condition**

If no water is applied to beneficial use under the terms and conditions of Permit G-13738 on or before October 1, 2028, this may be the last extension of time granted for Permit G-13738. Any future extensions of time request may be denied, unless the permit holder can provide the Department with evidence that beneficial use of the water is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

**Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2023. A form will be enclosed with your Final Order.

- (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 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. 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 wells shall be continuously cased and sealed and ground water for use under this permit shall be produced from a depth greater than 100 feet below land surface.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order or Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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.

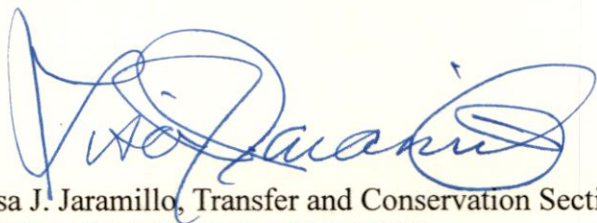
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The original permit was issued September 30, 1999. Complete application of the water to the use was to be made on or before October 1, 2003. By Extension of Time Final Order dated May 7, 2019, the deadline for complete application of water to use was extended to October 1, 2028. 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 JAN 21 2020 \_\_\_\_\_;



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

