

## STATE OF OREGON

## COUNTY OF HARNEY

## PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SILVER CREEK RANCHES, LLC, WAYNE EVANS  
RILEY, OR 97758

This superseding permit is issued to describe an amendment to change the point of appropriation proposed under Permit Amendment Application T-13814 and approved by Special Order Vol. 122, Page ~~480~~ entered ~~FEB 14 2022~~, and to describe an extension of time for complete application of water approved June 4, 2021. This permit supersedes Permit G-13455.

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

APPLICATION FILE NUMBER: G-14516

SOURCE OF WATER: A WELL IN SILVER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 109.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 74.0 ACRES

MAXIMUM RATE: 2.29 CUBIC FEET PER SECOND (CFS), BEING 1.36 CFS FOR IRRIGATION AND 0.93 CFS FOR SUPPLEMENTAL

PERIOD OF USE: MAY 1 THROUGH OCTOBER 31 FOR IRRIGATION AND MAY 1 THROUGH AUGUST 1 FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: MAY 12, 1997

**WELL LOCATION:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	26 E	WM	26	NE NE	120 FEET SOUTH AND 380 FEET WEST FROM THE NE 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:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	26 E	WM	23	NW SE	5.0
23 S	26 E	WM	23	SW SE	6.0
23 S	26 E	WM	25	NE NW	40.0
23 S	26 E	WM	25	NW NW	33.2
23 S	26 E	WM	25	SW NW	1.3
23 S	26 E	WM	25	SE NW	20.0
23 S	26 E	WM	26	NE NE	3.5
TOTAL					109.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	26 E	WM	23	NE SE	34.5
23 S	26 E	WM	23	NW SE	13.2
23 S	26 E	WM	23	SW SE	2.2
23 S	26 E	WM	23	SE SE	19.1
23 S	26 E	WM	26	NE NE	5.0
TOTAL					74.0

Permit Amendment T-13814 Conditions:

The quantity of water diverted at the new point of appropriation (Well "ON" HARN 50194), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well "OFF" HARN 2007).

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

Extension of Time Conditions:

**Limitations and Conditions**

1. Permit Amendment Condition

The water user shall submit an Application for Permit Amendment requesting authorization of HARN 50194 as a point of appropriation under this permit within six months from the date of issuance of the Final Order of the Extension of Time.



If the required Permit Amendment is not submitted within the time required above, the extension of time will be terminated.

If authorization of HARN 50194 is not granted, the Extension of Time will be terminated.

2. Development Limitation

Development of Permit G-13455, and any subsequent permit issued resulting from a Permit Amendment is limited to a maximum rate of appropriation of 2.29 cfs of water from HARN 50194, being 1.24 cfs for irrigation of 99.0 acres, and 1.05 cfs for supplemental irrigation of 84.0 acres, as identified in the Claim of Beneficial Use submitted on November 8, 2018.

Original Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, 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 diverted 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 any 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.

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

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.



Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.



The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee'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 causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

### STANDARD CONDITIONS

The well(s) 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.

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.



If substantial interference with surface water or 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.


The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement. Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

Completion of construction and application of the water was to be made within five years of the date of permit issuance, when the original permit was issued August 12, 1998. By Extension of Time Final Order approved June 4, 2021, the completion of construction and application of water was extended to on or before March 1, 2022. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Dated in Salem, Oregon on FEB 14 2022



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