

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ECHO IRRIGATION DISTRICT
73120 HWY 207
ECHO, OR 97826

HALE FARMS, LLC
73120 HWY 207
ECHO, OR 97826

This superseding permit is issued to describe a partial cancellation under Transfer Application T-11086, approved by Special Order Vol. 88, Page ~~404~~, entered August 16, 2012, and to describe a corrected partial diminution of primary to supplemental irrigation under Transfer Application T-10692, approved April 23, 2010, and a partial assignment to a new permittee approved July 7, 2009. This permit supersedes Permit S-54561.

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

APPLICATION FILE NUMBER: S-87076

DATE OF PRIORITY: JANUARY 30, 2008

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: PRIMARY IRRIGATION USE ON 1209.9 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 4818.2 ACRES (WHICH INCLUDE RAISING THE SOIL MOISTURE TO FIELD CAPACITY TO BE UTILIZED BY PLANT GROWTH IN THE SUBSEQUENT GROWING SEASON)

MAXIMUM RATE: 50.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 30.25 CFS FOR PRIMARY IRRIGATION USE

USE	LIMIT (CFS PER ACRE)	DUTY (AF PER ACRE)	PERIOD OF USE
PRIMARY IRRIGATION*	1/40	4.5 MAX	MARCH 1 - APRIL 14 AND OCTOBER 1 - OCTOBER 31
PRIMARY IRRIGATION*	1/40	FURTHER LIMITED TO 1.5	NOVEMBER 1 - FEBRUARY 29

SUPPLEMENTAL IRRIGATION*	1/80	3.0 MAX	MARCH 1 - APRIL 14 AND OCTOBER 1 - OCTOBER 31
SUPPLEMENTAL IRRIGATION*	1/80	FURTHER LIMITED TO 1.5	NOVEMBER 1 - FEBRUARY 29

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

As further limited above, 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 an annual total of 4.5 acre-feet per acre for primary irrigation, and 3.0 acre-feet per acre for supplemental irrigation.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	13	NE SW	31.40
3 N	29 E	WM	13	NW SW	25.90
3 N	29 E	WM	13	SW SW	32.40
3 N	29 E	WM	13	SE SW	37.70
3 N	29 E	WM	14	NE SE	25.90
3 N	29 E	WM	14	SE SE	25.90
3 N	29 E	WM	24	NE NW	34.30
3 N	29 E	WM	24	NW NW	34.00
3 N	29 E	WM	24	SW NW	38.50
3 N	29 E	WM	24	SE NW	37.50
3 N	29 E	WM	24	NE SW	19.80
3 N	29 E	WM	24	NW SW	20.40
3 N	30 E	WM	5	NE SW	1.45
3 N	30 E	WM	5	NW SW	3.05
3 N	30 E	WM	6	NE SE	31.25
3 N	30 E	WM	6	NW SE	21.55
3 N	30 E	WM	6	SW SE	31.25
3 N	30 E	WM	6	SE SE	31.25
3 N	30 E	WM	7	NE NE	31.25
3 N	30 E	WM	7	NW NE	31.25
3 N	30 E	WM	7	SW NE	31.25
3 N	30 E	WM	7	SE NE	31.25
3 N	30 E	WM	7	NE SE	0.90
3 N	30 E	WM	7	NW SE	1.50
3 N	30 E	WM	7	SW SE	1.10
3 N	30 E	WM	8	NE NE	31.25
3 N	30 E	WM	8	NW NE	31.25
3 N	30 E	WM	8	SW NE	31.25
3 N	30 E	WM	8	SE NE	31.25
3 N	30 E	WM	8	NE NW	0.75
3 N	30 E	WM	8	SW NW	0.05

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	8	SE NW	0.55
3 N	30 E	WM	8	NE SW	26.35
3 N	30 E	WM	8	NW SW	31.40
3 N	30 E	WM	8	SW SW	31.40
3 N	30 E	WM	8	SE SW	31.40
3 N	30 E	WM	8	NE SE	30.15
3 N	30 E	WM	8	NW SE	31.25
3 N	30 E	WM	8	SW SE	31.25
3 N	30 E	WM	8	SE SE	31.25
4 N	29 E	WM	35	NE SE	25.50
4 N	29 E	WM	35	NW SE	25.60
4 N	29 E	WM	35	SW SE	25.50
4 N	29 E	WM	35	SE SE	25.50
4 N	29 E	WM	36	NE SW	31.25
4 N	29 E	WM	36	NW SW	31.25
4 N	29 E	WM	36	SW SW	31.25
4 N	29 E	WM	36	SE SW	31.25
TOTAL					1,209.90

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	1	NE NE	14.30
3 N	29 E	WM	1	NW NE	25.10
3 N	29 E	WM	1	SW NE	26.60
3 N	29 E	WM	1	SE NE	14.30
3 N	29 E	WM	1	NE NW	35.80
3 N	29 E	WM	1	NW NW	38.70
3 N	29 E	WM	1	SW NW	37.20
3 N	29 E	WM	1	SE NW	33.40
3 N	29 E	WM	1	NE SW	39.00
3 N	29 E	WM	1	NW SW	40.00
3 N	29 E	WM	1	SW SW	40.00
3 N	29 E	WM	1	SE SW	40.00
3 N	29 E	WM	1	NE SE	9.10
3 N	29 E	WM	1	NW SE	35.80
3 N	29 E	WM	1	SW SE	18.40
3 N	29 E	WM	1	SE SE	10.60
3 N	29 E	WM	2	NE NE	29.30
3 N	29 E	WM	2	NW NE	34.00
3 N	29 E	WM	2	SW NE	29.30
3 N	29 E	WM	2	SE NE	40.00
3 N	29 E	WM	2	NE SE	40.00
3 N	29 E	WM	2	NW SE	38.10
3 N	29 E	WM	2	SW SE	27.10
3 N	29 E	WM	2	SE SE	40.00
3 N	29 E	WM	9	NW NE	3.60
3 N	29 E	WM	9	SW NE	37.50
3 N	29 E	WM	9	SE NE	0.60
3 N	29 E	WM	9	NW SE	26.20
3 N	29 E	WM	10	SW NE	2.20
3 N	29 E	WM	10	SE NW	3.80
3 N	29 E	WM	10	NE SW	36.70

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	10	NW SW	6.90
3 N	29 E	WM	10	SW SW	4.70
3 N	29 E	WM	10	SE SW	32.40
3 N	29 E	WM	10	NW SE	33.60
3 N	29 E	WM	10	SW SE	25.10
3 N	29 E	WM	11	NE NE	40.00
3 N	29 E	WM	11	NW NE	36.40
3 N	29 E	WM	11	SW NE	24.40
3 N	29 E	WM	11	SE NE	40.00
3 N	29 E	WM	11	NE NW	30.70
3 N	29 E	WM	11	NW NW	30.70
3 N	29 E	WM	11	SW NW	27.20
3 N	29 E	WM	11	SE NW	26.00
3 N	29 E	WM	11	NE SW	21.20
3 N	29 E	WM	11	NW SW	25.80
3 N	29 E	WM	11	SW SW	30.50
3 N	29 E	WM	11	SE SW	30.70
3 N	29 E	WM	11	NE SE	22.60
3 N	29 E	WM	11	NW SE	17.10
3 N	29 E	WM	11	SW SE	38.60
3 N	29 E	WM	11	SE SE	38.60
3 N	29 E	WM	12	NE NE	40.00
3 N	29 E	WM	12	NW NE	40.00
3 N	29 E	WM	12	SW NE	30.00
3 N	29 E	WM	12	SE NE	23.40
3 N	29 E	WM	12	NE NW	36.70
3 N	29 E	WM	12	NW NW	39.30
3 N	29 E	WM	12	SW NW	39.40
3 N	29 E	WM	12	SE NW	36.70
3 N	29 E	WM	12	NE SW	28.30
3 N	29 E	WM	12	NW SW	25.40
3 N	29 E	WM	12	SW SW	29.80
3 N	29 E	WM	12	SE SW	20.10
3 N	29 E	WM	12	NE SE	40.00
3 N	29 E	WM	12	NW SE	40.00
3 N	29 E	WM	12	SW SE	12.80
3 N	29 E	WM	12	SE SE	16.40
3 N	29 E	WM	13	NE NW	30.80
3 N	29 E	WM	13	NW NW	31.60
3 N	29 E	WM	13	SW NW	32.80
3 N	29 E	WM	13	SE NW	30.40
3 N	29 E	WM	14	NE NE	30.40
3 N	29 E	WM	14	NW NE	40.00
3 N	29 E	WM	14	SW NE	40.00
3 N	29 E	WM	14	SE NE	38.00
3 N	29 E	WM	14	NE NW	39.80
3 N	29 E	WM	14	NW NW	33.60
3 N	29 E	WM	14	SW NW	40.00
3 N	29 E	WM	14	SE NW	39.00
3 N	29 E	WM	14	NE SW	31.70
3 N	29 E	WM	14	NW SW	33.30
3 N	29 E	WM	14	SW SW	20.40

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	14	SE SW	26.00
3 N	29 E	WM	15	SW NE	18.30
3 N	29 E	WM	15	SE NE	14.70
3 N	29 E	WM	15	SW NW	3.40
3 N	29 E	WM	15	SE NW	32.50
3 N	29 E	WM	15	NE SW	38.00
3 N	29 E	WM	15	NW SW	5.50
3 N	29 E	WM	15	SE SW	1.70
3 N	29 E	WM	15	NE SE	30.60
3 N	29 E	WM	15	NW SE	38.10
3 N	29 E	WM	15	SW SE	25.40
3 N	29 E	WM	15	SE SE	30.10
3 N	29 E	WM	24	NE NE	31.00
3 N	29 E	WM	24	NW NE	31.00
3 N	29 E	WM	24	SW NE	31.00
3 N	29 E	WM	24	SE NE	31.00
3 N	29 E	WM	24	NE SE	29.30
3 N	29 E	WM	24	NW SE	29.80
3 N	29 E	WM	24	SW SE	29.80
3 N	29 E	WM	24	SE SE	29.80
3 N	30 E	WM	5	NE SW	29.80
3 N	30 E	WM	5	NW SW	28.20
3 N	30 E	WM	5	SW SW	31.25
3 N	30 E	WM	5	SE SW	31.25
3 N	30 E	WM	6	NE NW	32.80
3 N	30 E	WM	6	NW NW	46.10
3 N	30 E	WM	6	SW NW	49.20
3 N	30 E	WM	6	SE NW	40.00
3 N	30 E	WM	6	NE SW	37.50
3 N	30 E	WM	6	NW SW	56.40
3 N	30 E	WM	6	SW SW	36.40
3 N	30 E	WM	6	SE SW	29.50
3 N	30 E	WM	7	NE NW	40.00
3 N	30 E	WM	7	NW NW	39.80
3 N	30 E	WM	7	SW NW	41.30
3 N	30 E	WM	7	SE NW	38.00
3 N	30 E	WM	7	NE SW	40.00
3 N	30 E	WM	7	NW SW	57.90
3 N	30 E	WM	7	SW SW	45.00
3 N	30 E	WM	7	NE SE	29.10
3 N	30 E	WM	7	NW SE	28.50
3 N	30 E	WM	7	SW SE	28.90
3 N	30 E	WM	7	SE SE	30.00
3 N	30 E	WM	8	NE NW	30.50
3 N	30 E	WM	8	NW NW	31.25
3 N	30 E	WM	8	SW NW	31.25
3 N	30 E	WM	8	SE NW	30.70
3 N	30 E	WM	8	NE SW	5.05
3 N	30 E	WM	19	NE NW	12.50
3 N	30 E	WM	19	NW NW	40.00
3 N	30 E	WM	19	SW NW	39.30
3 N	30 E	WM	19	SE NW	13.30

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	19	NE SW	11.50
3 N	30 E	WM	19	NW SW	42.00
3 N	30 E	WM	19	SW SW	43.60
3 N	30 E	WM	19	SE SW	13.60
3 N	30 E	WM	20	NE SW	40.00
3 N	30 E	WM	20	NW SW	40.00
3 N	30 E	WM	20	SW SW	40.00
3 N	30 E	WM	20	SE SW	40.00
3 N	30 E	WM	30	NE NE	39.80
3 N	30 E	WM	30	NW NE	40.00
3 N	30 E	WM	30	SW NE	38.10
3 N	30 E	WM	30	SE NE	39.80
3 N	30 E	WM	30	NE NW	39.80
3 N	30 E	WM	30	NW NW	57.60
3 N	30 E	WM	30	SW NW	56.80
3 N	30 E	WM	30	SE NW	39.20
3 N	30 E	WM	30	NE SW	22.70
3 N	30 E	WM	30	NW SW	38.40
3 N	30 E	WM	30	NE SE	28.80
3 N	30 E	WM	30	NW SE	7.30
3 N	30 E	WM	30	SW SE	17.80
3 N	30 E	WM	30	SE SE	33.70
TOTAL					4,818.20

Measurement, reporting, and recording:

- 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 diversion. 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.

Should this permit be used as the base right for an aquifer storage and recovery project, the limited period of use stipulated herein shall not apply to water withdrawn from storage.

The use allowed herein may be made when water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season.

Supplemental use allowed herein may, in the interest of conserving ground water supplies, be exercised at times even when water is available in the ground water supply provided the total quantity be diverted from all sources of supply not exceed the limitation allowed herein.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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.

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.

If the riparian area is disturbed in the process of developing a point of diversion, 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 Chapter 635, Division 415, 1991 shall be followed.

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

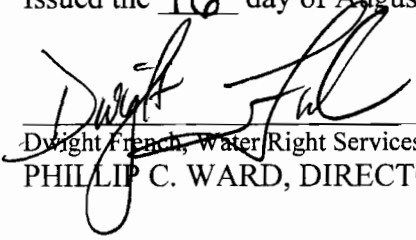
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. 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.

Issued the 16 day of August, 2012



Dwight French, Water Right Services Administrator, for
PHILIP C. WARD, DIRECTOR