

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES FARMER  
CHARLES WARREN FARMER  
MARGARET FARMER  
FORT BOISE PRODUCE  
PO BOX 1585  
NYSSA OR 97913

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

APPLICATION FILE NUMBER: S-88126

SOURCE OF WATER: UNNAMED SPRING AND UNNAMED STREAM, TRIBUTARIES TO  
LOCKET GULCH, AND LOCKET GULCH, TRIBUTARY TO SNAKE RIVER

PURPOSE OR USE OF THE WATER AND PERIOD OF USE:

PRIMARY IRRIGATION OF 533.1 ACRES - FEBRUARY 1 THROUGH MARCH 31 AND  
OCTOBER 16 THROUGH OCTOBER 31

SUPPLEMENTAL IRRIGATION OF 533.1 ACRES - APRIL 1 THROUGH APRIL 14 AND  
OCTOBER 1 THROUGH OCTOBER 15.

MAXIMUM RATE: 2.25 CUBIC FEET PER SECOND (CFS), BEING 1.0 CFS FROM POD 1 AND  
POD 2 AND 1.25 CFS FROM POD 3

DATE OF PRIORITY: AUGUST 28, 2015

POINTS OF DIVERSION:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	20 S	46 E	WM	11	NW NW	710 FEET SOUTH AND 1310 FEET EAST FROM NW CORNER, SECTION 11
POD 2	20 S	46 E	WM	11	SW NE	1490 FEET SOUTH AND 140 FEET EAST FROM N1/4 CORNER, SECTION 11
POD 3	20 S	46 E	WM	12	SE NW	1880 FEET SOUTH AND 2550 FEET EAST FROM NW CORNER, SECTION 12

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-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
20 S	46 E	WM	11	SW NE	27.7
20 S	46 E	WM	11	SE NE	20.4
20 S	46 E	WM	11	NW NW	37.5
20 S	46 E	WM	11	SW NW	36.9
20 S	46 E	WM	11	NE SW	37.5
20 S	46 E	WM	11	NW SW	37.4
20 S	46 E	WM	11	SW SW	38.4
20 S	46 E	WM	11	SE SW	36.3
20 S	46 E	WM	11	NW SE	38.1
20 S	46 E	WM	11	SW SE	32.5
20 S	46 E	WM	11	SE SE	11.9
20 S	46 E	WM	12	NE NE	37.9
20 S	46 E	WM	12	NW NE	9.5
20 S	46 E	WM	12	SW NE	5.8
20 S	46 E	WM	12	SE NE	36.6
20 S	46 E	WM	12	NW NW	18.3
20 S	46 E	WM	12	SW NW	34.0
20 S	46 E	WM	12	SE NW	26.4
20 S	46 E	WM	12	NE SE	10.0

**1. Measurement Devices and Recording/Reporting of Annual Water Use Conditions:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
  - 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.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. A fishway to ensure adequate upstream and downstream passage for fish is required for any in-channel obstruction, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission.

3. Use of water under this permit during the periods of April 1 through April 14 and October 1 through October 15 shall be supplemental to other existing water rights on the same lands. The water user shall not exercise the supplemental portion of this permit on any lands with other existing water rights during times when water is available to such lands under other rights.
4. Use of water under the supplemental portion of this permit during the periods of April 1 through April 14 and October 1 through October 15 shall be subordinate in priority to any and all rights of the Owyhee Irrigation District to recapture and reuse waste water, seepage water, return flow or drainage water from Locket Gulch or its tributaries.

### **STANDARD CONDITIONS**

1. 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.
2. 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.
3. 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 635-415, shall be followed.
4. 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 state or federal water quality standards due to reduced flows.
5. 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.
6. 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.
7. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. Complete 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.

10. Within one year after make complete application 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 February 27<sup>th</sup>, 2019



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