

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ANDY ROOT, MANAGING MEMBER /  
RATTLESNAKE CREEK LAND & CATTLE, LLC  
524 HWY 20 N  
HINES, OR 97738

**This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-13447 and approved by Special Order Vol. 120, Page 174, entered JUN 01 2021, and to describe an extension of time for complete application of water approved on August 23, 2019, and to describe assignments approved on September 25, 2017 and February 7, 2019. This permit supersedes Permit S-54843.**

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

APPLICATION FILE NUMBER: S-87823

SOURCE OF WATER: ROCK CREEK RESERVOIR, ENLARGED UNDER APPLICATION R-87822, PERMIT R-15042, A TRIBUTARY OF ROCK CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 1908.9 ACRES

MAXIMUM VOLUME: 1000.0 ACRE FEET EACH YEAR

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 23, 2012

POINT OF DIVERSION LOCATION: SE ¼ SW ¼, SECTION 16, T22S, R33E, W.M.; 210 FEET NORTH AND 1340 FEET EAST FROM SW CORNER, SECTION 16

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 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
22 S	33 E	WM	20	NE NE	19.3
22 S	33 E	WM	20	SE NE	23.4
22 S	33 E	WM	20	NE SE	30.9
22 S	33 E	WM	20	SE SE	34.1
22 S	33 E	WM	21	NW NW	17.8
22 S	33 E	WM	21	SW NW	15.1
22 S	33 E	WM	21	NW SW	16.7
22 S	33 E	WM	21	SW SW	1.6
22 S	33 E	WM	28	NE NW	1.9
22 S	33 E	WM	28	NW NW	35.7
22 S	33 E	WM	28	SW NW	36.9
22 S	33 E	WM	28	SE NW	2.1
22 S	33 E	WM	28	NE SW	23.7
22 S	33 E	WM	28	NW SW	34.5
22 S	33 E	WM	28	SW SW	18.7
22 S	33 E	WM	28	SE SW	10.6
22 S	33 E	WM	29	NE NE	29.9
22 S	33 E	WM	29	SE NE	31.0
22 S	33 E	WM	29	SW NW	0.5
22 S	33 E	WM	29	SE NW	0.7
22 S	33 E	WM	29	NE SW	34.9
22 S	33 E	WM	29	NW SW	32.7
22 S	33 E	WM	29	SW SW	30.5
22 S	33 E	WM	29	SE SW	33.8
22 S	33 E	WM	29	NE SE	35.1
22 S	33 E	WM	29	NW SE	6.0
22 S	33 E	WM	29	SW SE	26.6
22 S	33 E	WM	29	SE SE	29.7
22 S	33 E	WM	30	SW NE	3.7
22 S	33 E	WM	30	SE NE	3.6
22 S	33 E	WM	30	NE SW	1.4
22 S	33 E	WM	30	SW SW	0.4
22 S	33 E	WM	30	SE SW	2.0
22 S	33 E	WM	30	NE SE	40.0
22 S	33 E	WM	30	NW SE	38.0
22 S	33 E	WM	30	SW SE	40.0
22 S	33 E	WM	30	SE SE	40.0
22 S	33 E	WM	31	NE NE	36.9
22 S	33 E	WM	31	NW NE	39.9
22 S	33 E	WM	31	SW NE	38.5
22 S	33 E	WM	31	SE NE	30.5
22 S	33 E	WM	31	NE NW	36.1
22 S	33 E	WM	31	NW NW	22.4
22 S	33 E	WM	31	SW NW	20.0
22 S	33 E	WM	31	SE NW	30.1
22 S	33 E	WM	31	NE SW	38.0
22 S	33 E	WM	31	NW SW	38.0
22 S	33 E	WM	31	SW SW	40.0
22 S	33 E	WM	31	SE SW	40.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	33 E	WM	31	NE SE	38.0
22 S	33 E	WM	31	NW SE	38.0
22 S	33 E	WM	31	SW SE	40.0
22 S	33 E	WM	31	SE SE	40.0
22 S	33 E	WM	32	NE NE	32.0
22 S	33 E	WM	32	NW NE	29.2
22 S	33 E	WM	32	SW NE	31.2
22 S	33 E	WM	32	SE NE	32.3
22 S	33 E	WM	32	NE NW	40.0
22 S	33 E	WM	32	NW NW	40.0
22 S	33 E	WM	32	SW NW	28.2
22 S	33 E	WM	32	SE NW	37.0
22 S	33 E	WM	32	NE SW	38.0
22 S	33 E	WM	32	NW SW	38.0
22 S	33 E	WM	32	SW SW	40.0
22 S	33 E	WM	32	SE SW	40.0
22 S	33 E	WM	32	NE SE	26.4
22 S	33 E	WM	32	NW SE	25.6
22 S	33 E	WM	32	SW SE	40.0
22 S	33 E	WM	32	SE SE	40.0
22 S	33 E	WM	33	SW SW	1.1
TOTAL					1908.9

**Permit Amendment T-13447 Conditions:**

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 diversion, (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.

The former place of use shall no longer 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 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.

- B. The permittee 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.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

### **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 635-415, 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 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.

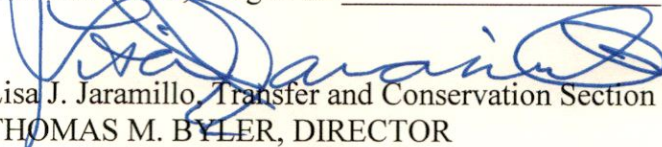
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Permit S-54843 was issued December 11, 2013. Actual construction of the well shall begin within one year from issuance of final order approving the use. Complete application of water to the use shall be made on or before December 11, 2018. By Extension of Time Final Order dated August 23, 2019, the deadline for complete application of water to the use was extended to October 1, 2023.

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 (CWRE).

JUN 01 2021

Dated in Salem, Oregon on \_\_\_\_\_



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