

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN D SIMMONS
KAREN R JACKSON-SIMMONS
PO BOX 325
PRINCETON OR 97721

GERRIT A AND PATRICIA M JAGER
6829 NE 41ST STREET
REDMOND OR 97756

NORTHWEST FARM CREDIT SERVICES FCLA
PO BOX 607
REDMOND OR 97756

This superseding permit is issued to describe an amendment for a change in point of appropriation and place of use proposed under Permit Amendment Application T-11385 and approved by Special Order Vol. __, Page __, entered __, 2012, and to describe an extension of time for complete application of water approved April 27, 2012 and assignments to new permittees approved September 21, 2005 and January 12, 2009. This permit supersedes Permit G-15432.

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

APPLICATION FILE NUMBER: G-14377

SOURCE OF WATER: TWO WELLS IN THE MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 165.0 ACRES

MAXIMUM RATE: 0.668 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 13, 1996

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	33 E	WM	12	NW NE	WELL 1 - 20 FEET SOUTH AND 1302 FEET EAST FROM THE S¼ CORNER OF SECTION 1
27 S	33 E	WM	12	NE NW	WELL 2 - 9 FEET SOUTH AND 48 FEET WEST FROM THE S¼ CORNER OF SECTION 1

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:

WELL 1						
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	33 E	WM	12	NE NE		35.00
27 S	33 E	WM	12	NW NE		35.00
27 S	34 E	WM	7	NW NW	1	24.57
27 S	34 E	WM	7	SW NW	2	0.43
Total						95.00

WELL 2						
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	33 E	WM	1	NE SW		37.72
27 S	33 E	WM	1	NW SW		2.73
27 S	33 E	WM	1	SW SW		0.07
27 S	33 E	WM	1	SE SW		29.48
Total						70.00

The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

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

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2012**.

- 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.

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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

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.

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.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 ____, 2012

DRAFT

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

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232