

Permit Amendment

Name Heffernan Family Trust

Address 636 Viewpoint Lane
North Powder, OR 97867

Change in POU

Date Filed 3.4.2016

Initial notice date _____

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 7-12-16 Vol 101 Page 789

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District Powder Valley Water Control District

P.O. Box 189 North Powder, OR 97867

Agent Molly Reid; GSI Water Solutions, Inc.

8019 W. Quinault Ave. Suite 201 Kennewick, WA 99336

CWRE _____

CC's list _____

- Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of Peach Creek, Clover Creek

Use Irrigation County Union WM 7

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App # G-16902 Per # G-17327 Cert # _____ PR Date 7.2.2007

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

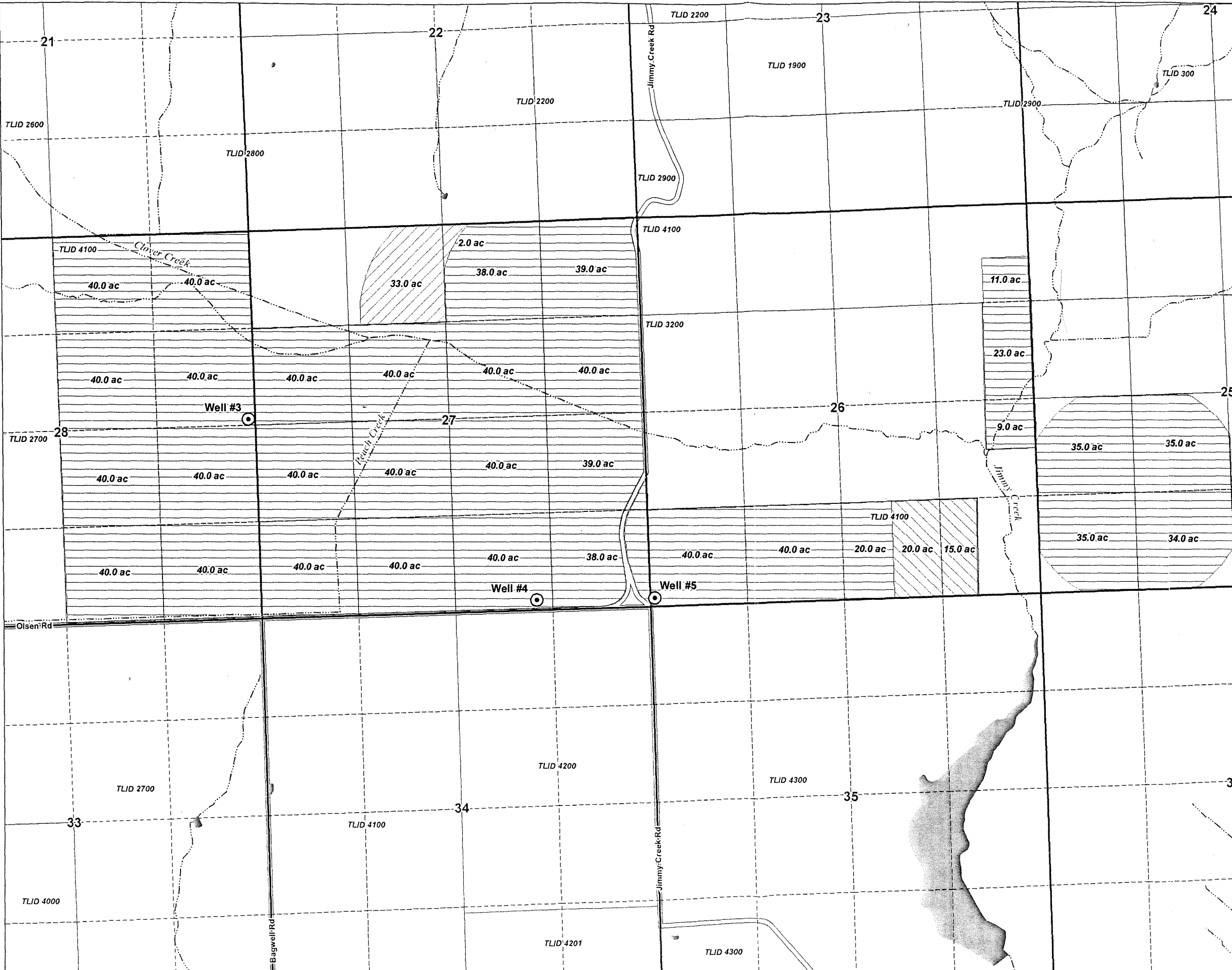
App # _____ Per # _____ Cert # _____ PR Date _____

Date	FEES PAID	
	Amount	Receipt #
<u>3/4/16</u>	<u>1000.00</u>	<u>119133</u>

Date	FEES REFUNDED	
	Amount	Receipt#

copy

**Place of Use
Permit Amendment Map
for Permit G-17327**
Heffernan Basalt Water Rights
Township 5 South, Range 39 East (W.M.)



LEGEND

- ⊙ Point of Appropriation (POA)
- Place of Use, Permit G-16421**
 - ▭ Lands To Remain
 - ▨ From Lands, 35.0 ac.
 - ▩ To Lands, 35.0 ac.
- All Other Features**
 - Tax Lot
 - ~ Watercourse
 - ☉ Waterbody

RECEIVED BY OW

MAR 04 2016

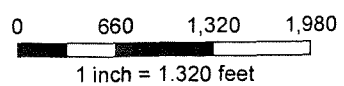
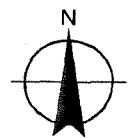
SALEM, OR

POD LOCATION DESCRIPTIONS

- Well 3**
Located 60 feet East and 2,254 feet North from the SW Corner of Section 27, Township 5 South, Range 39 East (W.M.)
- Well 4**
Located 3,300 feet East and 25 feet North from the SW Corner of Section 27, Township 5 South, Range 39 East (W.M.)
- Well 5**
Located 25 feet East and 25 feet North from the SW Corner of Section 26, Township 5 South, Range 39 East (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



MAP NOTES:

Date: February 23, 2016
Data Sources: Union County, BLM, ESRI



**Place of Use
Permit Amendment Map
for Permit G-17327**
Heffernan Basalt Water Rights
Township 5 South, Range 39 East (W.M.)

LEGEND

- ⊙ Point of Appropriation (POA)
- Place of Use, Permit G-16421**
-  Lands To Remain
-  From Lands, 35.0 ac.
-  To Lands, 35.0 ac.
- All Other Features**
-  Tax Lot
-  Watercourse
-  Waterbody

RECEIVED BY OWRI

MAR 04 2016

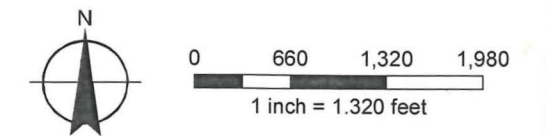
SALEM, OR

POD LOCATION DESCRIPTIONS

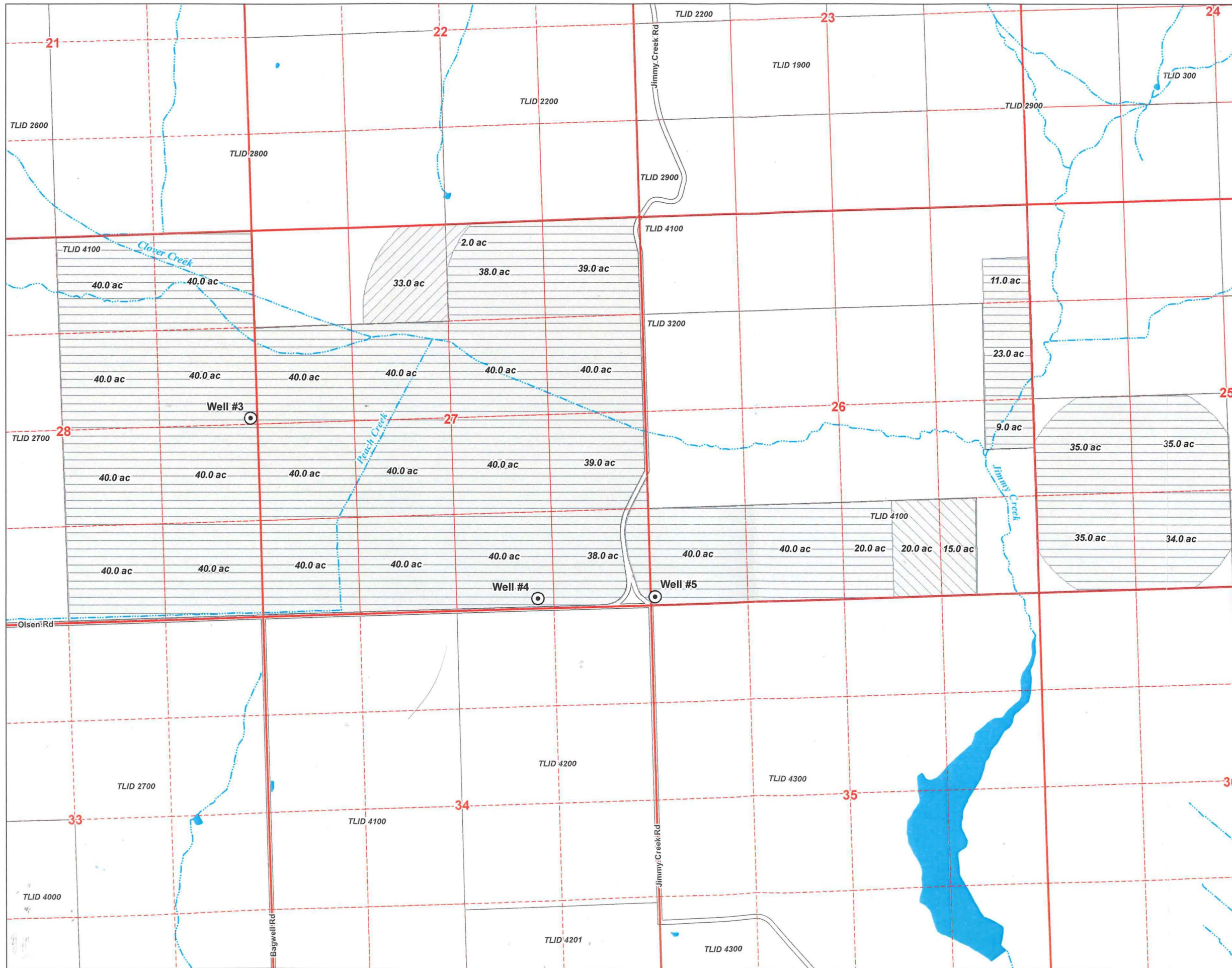
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MAP NOTES:
Date: February 23, 2016
Data Sources: Union County, BLM, ESRI





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

September 14, 2016

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

REFERENCE: Permit Amendment Application T-12295

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Arla Heard, by telephone at (503) 986-0829 or by e-mail at Arla.L.Heard@wrd.state.or.us.

Sincerely,

Marissa Andrews

Water Rights Services Support

cc: David D. Bates, Watermaster Dist. # 7 (via email)
Molly Reid, Agent
Landowners (other or receiving)
Irrigation District

Enclosure



STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-12295 and approved by Special Order Vol. 101, Page 789, entered SEP 12 2016, and to describe an extension of time for complete application of water approved March 28, 2014. This permit supersedes Permit G-17327.

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	SW NW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	34	NW NW	WELL 2: 25 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	27	NW SW	WELL 3: 2254 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	27	SW SE	WELL 4: 25 FEET NORTH AND 3300 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	26	SW SW	WELL 5: 25 FEET NORTH AND 25 FEET EAST FROM THE SW 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	20.0
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	40.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	NE NW	33.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0

Permit Amendment T-12295 Conditions

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time ConditionsCheckpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**.

- 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.

Existing 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 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.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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.

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 not be valid, unless the Department authorizes the change in writing.

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 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.

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 Chapter 635, Division 415, Section 030 adopted November 13, 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.

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 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.

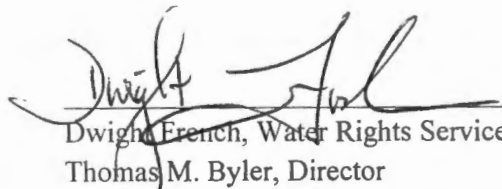
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 complete application of the water to the use shall be made on or before October 1, 2023. 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 SEP 12 2016, 2016



Dwight French, Water Rights Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	40.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	NE NW	33.0
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5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The proposed place of use is owned and/or controlled by the permit holder.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.
9. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

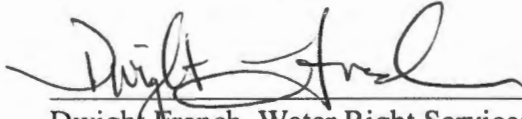
The change in place of use proposed by Permit Amendment Application T-12295 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-12295 is approved.
2. Permit G-17645, in the name of Heffernan Family Trust, is issued to replace Permit G-17327, and incorporates the amendments approved by this order and the extension of time. Permit G-17327, in the name of Heffernan Family Trust, is no longer of any force or effect.

3. 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 appropriation (new and existing) or at each new point of appropriation.
 - b. The water user shall maintain the meter(s) or measuring device(s) in good working order.
 - c. The water user shall allow the Watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is/are located within a private structure, the Watermaster shall request access upon reasonable notice.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-17327 remain the same.

Dated at Salem, Oregon this 12th day of September, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: SEP 15 2016

Permit Amendment Checklist

Permit Amendment: T-12295

Transfer Specialist: Arla

Transfer Type: Permit Amendment

Applicant Name/Address/email: Heffernan Family Trust Chris Heffernan – President 63600 Viewpoint Lane North Powder, OR 97867	Agent Name/Address/email: Molly Reid 8019 W Quinault Ave, Suite 201 Kennewick, WA 99336	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Union County Planning Dept 1106 K Avenue LaGrande, OR 97850
Commentor(s): Name/Address:		Current Landowner Name/Address (if different than applicant):

Permit(s) Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Superseding Permit No.
<input type="checkbox"/>	<input type="checkbox"/>	G16902	G-17327	

Key Dates & Initial Actions

Rec'd: 3/4/2016	Proposed Action(s): POU		
Fees Pd: 1000.00	WM District: 7	ODFW District:	
Initial Notice: 3/15/2016	WM Review sent: 3/11/2016	Done: 4/10/2016	ODFW Review sent: Done:
Acknowledgement Letter Sent: <input checked="" type="checkbox"/> Date:			GW Review sent: Done:

Processing Dates & Actions

Deficiency Contact(s): _____

Newspaper: LaGrande Observer

not required

Date quote requested: _____

Request for news \$ sent: _____

News \$ received: _____

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Dates of publication: _____

Draft Mailed: _____

If yes, date rec'd okay from agent/applicant: _____

ODFW contact sheet sent; need? Yes or No

WM measurement contact sheet sent; need? Yes or

No

Final Order

<p>Draft Order & Superseding Permit Review (Optional)</p> <p>Reviewer: <u>CH</u></p> <p>Date: <u>8-17-16</u></p> <p>Coordinator: _____</p> <p>Date: _____</p>	<p>Final Order & Superseding Permit Review (Salem)</p> <p>Reviewer: _____</p> <p>Date: _____</p> <p>Coordinator: _____</p> <p>Date: _____</p>
<p>Comments/Special Issues: _____</p>	

Special Order Volume: Vol: 101, Pages 789 Final Order Signature Date: 9-12-16

Notice of FO e-mailed to processors: _____

Application

PR CW

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. N/A If overpayment, Refund Request submitted _____
- Land use form matches affected tax lots and is signed by proper official. (from ALL affected Gov't's) _____
- N/A Ditch company, district, and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.
- Check application file and WRIS for assignment(s) and/or extension(s). Extension signed 3/28/14
C Date 10/1/2023

Application Map

PR CW

- The map size and scale are accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU are properly described on the map.
- The POD/POA location description(s) on the map match the PA application and permit descriptions.
- Map acres (to, from and rr, if applicable) match Table 2 on the PA application and as applicable, on the permit
- Have permit map(s).

Determining the "From" and "To" Lands (make working copy of application and permit(s))

PR CW

- Only the authorized POD's/POA's and/or POU's to be transferred are listed (Tables 1 & 2).
- PA application and permit tabulations (acreage) match. (Mark on appl. and permit copies and note corrections needed)
- ALL Mark on permit the acreage and amount of water being transferred.

Permit Ownership

- The applicant(s) is/are the holder(s) of the permit.
- All holders of the permit have signed the application or
- N/A If necessary, there is a notarized, signed statement of consent from permit holders other than applicant.
- N/A If necessary, the permit has been assigned to permit amendment applicant.

Evaluation Materials

- Application complete Permit Land Use form N/A Plat card
- Amendment Map Permit Map Fees paid N/A Well logs

Reviews/comments/conditions received? Watermaster N/A ODFW N/A GW

N/A Headgate When in the judgment Prior to diverting Existing and maintain

N/A Measuring Devices When in the judgment Prior to diverting Existing and maintain

Type of device, if applicable: 1 totalizing flow meter: at new at existing and new

Injury: Yes No

Enlargement: Yes No

Conditions to avoid enlargement/injury -

ODFW conditions: N/A

GW Conditions: N/A

Transfer Applications: Permit Amendments

The holder of a water right permit may apply to change a point of diversion or appropriation or to change the place of use pursuant to ORS 537.211 (4).

Notice is given that the following applications for Permit Amendments have been received by the Department. If the proposed change in point of diversion or appropriation is for a distance greater than 1/4 mile or includes intervening diversion points, notice also will be published in a local newspaper.

Transfer	<u>T 12288</u>
Water Right	Permit: G 15710
County/Basin	Baker / Powder(9)
Applicant Name	MCEST RANCHES LLC PO BOX 1726 YAKIMA, WA 98907
Proposed Change	BAKER VALLEY IRRIGATION DISTRICT 3895 10TH ST BAKER CITY, OR 97814
Sources/TRSQ40Q160	PLACE OF USE A WELL > POWDER RIVER / 7.00S 39.00E 15 SESE A WELL > POWDER RIVER / 7.00S 39.00E 14 NWSW A WELL > POWDER RIVER / 7.00S 39.00E 14 SESW A WELL > POWDER RIVER / 7.00S 39.00E 14 SENW A WELL > POWDER RIVER / 7.00S 39.00E 14 SWNE A WELL > POWDER RIVER / 7.00S 39.00E 14 SESE A WELL > POWDER RIVER / 7.00S 39.00E 13 SWNW A WELL > POWDER RIVER / 7.00S 39.00E 13 NESE A WELL > POWDER RIVER / 7.00S 39.00E 24 NENE A WELL > POWDER RIVER / 7.00S 40.00E 19 SESE A WELL > POWDER RIVER / 7.00S 39.00E 13 NWNE A WELL > POWDER RIVER / 7.00S 39.00E 24 SESE A WELL > POWDER RIVER / 7.00S 39.00E 25 NENE A WELL > POWDER RIVER / 7.00S 40.00E 19 SWSE A WELL > POWDER RIVER / 7.00S 39.00E 14 SWNE A WELL > POWDER RIVER / 7.00S 39.00E 13 SESE
Use/Quantity	IRRIGATION / 17.98 CFS
Transfer	<u>T 12295</u>
Water Right	Permit: G 17327
County/Basin	Union / Powder(9)
Applicant Name	HEFFERNAN FAMILY TRUST; CHRIS HEFFERNAN, PRESIDENT 63600 VIEWPOINT LANE NORTH POWDER, OR 97867
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	A WELL > CLOVER CREEK / 5.00S 39.00E 27 SWSE A WELL > CLOVER CREEK / 5.00S 39.00E 26 SWSW A WELL > PEACH CREEK / 5.00S 39.00E 34 SWNW A WELL > PEACH CREEK / 5.00S 39.00E 34 NWNW A WELL > PEACH CREEK / 5.00S 39.00E 27 NWSW
Use/Quantity	IRRIGATION / 14.90 CFS
Priority Date	07/02/2007



Search Criteria

Meridian: Township: Range: Section: Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	00(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknow
Select	Permit: G 17327 *	T12296	7/2/2007	IRRIGATION			0(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	00
	Additional Info: HEFFERNAN FAMILY TRUST App: G16902 Permit: G17327							39	39	40	40				40	40	40	40	40	40	39	40	40	38

Acreage Legend: 12.25 Regular acreage -12.25- Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified



Search Criteria

Meridian: Township: Range: Section: Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40)	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown	
Select Permit: G 17327 *	T12295	7/2/2007	IRRIGATION						11			23								40	40	9		40	15	
Additional Info: HEFFERNAN FAMILY TRUST App: G16902 Permit: G17327																										

Acreage Legend: 12.25 Regular acreage -12.25- Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Copy

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist. ✓
- Part 2 – Completed Application Map Checklist. ✓
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801. ✓
- Part 4 – Completed Applicant Information and Signature. ✓
- Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1** List them here: **G-17327 – Attachment #2**
 Please include a separate Part 5 for each permit. (See instructions on page 6) ✓
- Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). **Attachment #1** ✓
- N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at http://www.oregon.gov/owrd/pubs/docs/forms/req_assign_8_21_09.pdf). Assignment is not needed if the applicant is the permit holder of record. ✓
- N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant, **or** other permit holders of record that are not listed as applicants. ✓
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Land use form is not required if any of the following apply:
 - Water is to be diverted, conveyed, and/or used only on federal lands. ✓
 - All of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. ✓
 - The proposed changes are all located on the property reviewed in Land Use form enclosed in Water Right Application Folder # _____. ✓
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. ✓

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(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Assignment Form and fee not enclosed/insufficient
___ Additional signature(s) required	Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

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Part 2 of 5 – Permit Amendment Map Checklist

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- N/A If more than three permits are involved, separate maps for each permit. ✓
- Permanent quality printed with dark ink on good quality paper. ✓
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required. ✓
- A north arrow, a legend, and scale. ✓
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department. ✓
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines. ✓
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended. ✓
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads. ✓
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches. ✓
- Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged. ✓
- N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. ✓
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit. ✓
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°). ✓

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,000
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » »	2	0
3	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i> Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$350 »	4	0
5	Do you propose to change the place of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see example below*): <u>0.44 (5a)</u> Subtract 1.0 from the number in 5a above: <u>0 (5b)</u> If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$300, then enter on line 5 » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,000
7	Is this permit amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » Permit Amendment Fee:	8	\$1,000



*Example for Line 5a calculation to transfer 45.0 acres of Primary Permit S-12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Permit S-87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (for S-12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be changed to get the application cfs (x 45 ac = 0.56 cfs).
 - b. If the water right permit does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For S-87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land.** The fee should be assessed only once for each “on the ground” acre included in the application. (In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Heffernan Family Trust - Chris Heffernan, President			PHONE NO. (541) 786-2257	ADDITIONAL CONTACT NO.
ADDRESS 63600 Viewpoint Lane				FAX NO.
CITY North Powder	STATE OR	ZIP 97867	E-MAIL northslope@wildblue.net	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Molly Reid, GSI Water Solutions, Inc.			PHONE NO. (509) 378-3284	ADDITIONAL CONTACT NO. (541) 310-7264 CELL
ADDRESS 8019 W. Quinault Avenue, Suite 201				FAX NO.
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL mreid@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this permit amendment; and why:
 Changing the place of use for 35 acres to adjacent, contiguous property for which we have a long term lease.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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Is the applicant the permit holder of record? Yes No

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If NO, include either:

- A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), **OR**
- An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

I understand that prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: LaGrande Observer.

I (we) affirm that the information contained in this application is true and accurate.



Chris Heffernan
Applicant Signature

Chris Heffernan, President
Print Name (and Title if applicable)

2-23-16
Date

Applicant Signature

Print Name (and Title if applicable)

Date

T 12295

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Check one of the following:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.


Check the appropriate box, if applicable:

- Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME Powder Valley Water Control District	ADDRESS P.O. Box 189	
CITY North Powder	STATE OR	ZIP 97867

- Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Union County Planning Department	ADDRESS 1106 K Avenue	
CITY La Grande	STATE OR	ZIP 97850

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

PERMIT # G-17327

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Basalt Well #3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UNIO 52347	5 S	39 E	27	NW SW	4100	2254'N & 60' E from SW Corner Section 27
4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT DRILLED	5 S	39 E	27	SW SE	4100	25'N & 3300'E from SW Corner Section 27
5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT DRILLED	5 S	39 E	26	SW SW	4100	25'N & 25'E from SW corner Section 26
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Will all of the proposed changes affect the entire water use permit?

- Yes Complete only the proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the permit to be changed.

For a change in place of use:

Does the permit holder of record own or control the land TO which the place of use is being moved?

- Yes No

If NO, the landowner of the land TO which the place of use is being moved **must be assigned to the permit as a permit holder of record** by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? Yes No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use **unless** the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Use Permit # G-17327

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.								
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																				
2	S	9	E 15 NE NW	100		15.0	POD #1 POD #2		POU/POD	2	S	9	E 15 NW NW	100	1	10.0	POD #5			
"	"	"	" " " "	"	"	EXAMPLE	"		"	2	S	9	E 15 SW NW	200		5.0	POD #6			
5	S	39	E 26 SW SE	4100		20.0	3,4,5	2007	POU	5	S	39	E 27 NW NE	4100		2.0	3,4,5	2007		
5	S	39	E 26 SE SE	4100		15.0	3.4.5	2007	POU	5	S	39	E 27 NE NW	2800		33.0	3.4.5	2007		
						TOTAL ACRES	35.0							TOTAL ACRES	35.0					

Additional remarks: _____.

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Permit # G-17327

Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? Yes No

If YES, list the other certificate, permit, or ground water registration numbers: _____



If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Attachment #1
Permit Amendment Map
POU Permit Amendment Application for Permit G-17327

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Attachment #2

Permit G-17327

POU Permit Amendment Application for Permit G-17327

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Attachment #3
Lease Agreement
POU Permit Amendment Application for G-17327

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Farm Lease Agreement

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- This lease is entered into April 20, 2014 (date) between Ward Agricultural Properties, landowner, J&S Agriculture and Heffernan Family Trust, tenant and water right holder. Under the terms and conditions that follow, the landowner hereby leases to the tenant a farm to use for agricultural purposes of approximately 34 acres located in Union County, Oregon in 5S 39E Section 27.
- The term of the lease shall be from 4/30/2015 to 10/1/2023. Extensions must be placed in writing on this lease, and both parties agree that failure to execute an extension at least two months before the end of the current term shall be constructive notice of an intent to allow the lease to expire. The lease will need to be renegotiated before October 1, 2023. At that time the water rights will either be permanently fixed to the property or allowed to expire.
- In the event of death, illness or determination that the lease is deemed unprofitable the lease shall be terminated by mutual agreement at the end of the crop year and the tenant shall be responsible for the years lease payment and for returning the property to its original condition with any fence reconstruction costs being shared 50-50.
- As rent for the farm, the tenant agrees to pay the total sum of \$75 per acre per year for a grand total of \$2,550. Payments shall be made on November 1. In the event of major market fluctuations payment rate can be adjusted with the consent of both parties with a minimum rate of \$75 and negotiable increases in rate.
- Tenant agrees to remain in compliance with any and all conservation plans of the farm and any reasonable landowner management requests. Requirements include but are not limited to:
 - No organic farming.
 - Cereal Rye and all noxious weeds must be controlled.
 - Tenant is responsible for all farming related activities including, tillage, fertilization, irrigation and harvest. Landlord is not responsible for any duties related to the leased ground.
 - Tenant is responsible for all costs associated with farming practices on the land.
 - Landlord is responsible for property taxes associated with the land.
 - Tenants irrigation equipment cannot enter land enrolled in the CREP program.
- Property Rights
 - Right of Entry - The landowner reserves the right for them, their agents, their employees, or their assigns to enter the farm at any reasonable time for purposes of: (a) consultation with the tenant; (b) making repairs, improvements, and inspection; and (c) after notice of termination of the lease is given, for purposes of plowing, seeding, fertilizing, and such customary seasonal work, none of which is to interfere with the tenant in carrying out regular farm operations.
 - Transfer of Farm - If the landowner should sell or otherwise transfer title to the farm, he or she will do so subject to the provisions of this lease.
 - No Right to Sublease - The landowner does not convey to the tenant the right to lease or sublease any part of the farm or to assign the lease to any person or persons, unless prior approval is obtained from the landowner.

Ward Ag. Properties

by Craig Ward

Landowner

J&S Agriculture, LLC by
Shellen Heffernan

Alm Heffernan
by Heffernan Family Trust by
Shellen Heffernan TR

Tenant

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STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-11855 and approved by Special Order Vol. 93, Page 921, entered December 5, 2014, and to describe an extension of time for complete application of water approved March 28, 2014. This permit supersedes Permit G-16421.

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

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WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	SW NW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	34	NW NW	WELL 2: 25 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	27	NW SW	WELL 3: 2254 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	27	SW SE	WELL 4: 25 FEET NORTH AND 3300 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	26	SW SW	WELL 5: 25 FEET NORTH AND 25 FEET EAST FROM THE SW CORNER OF SECTION 26

G-17645

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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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	40.0
5 S	39 E	WM	26	SE SE	15.0
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	38.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0
Total:					1191.0

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Permit Amendment Conditions:

The former place of use shall no longer be irrigated as part of this permit.

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Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**. *A form will be enclosed with your Final Order.*

- (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.

Existing 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 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.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

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The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

Copy

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.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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.

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 not be valid, unless the Department authorizes the change in writing.

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 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.

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 Chapter 635, Division 415, Section 030 adopted November 13, 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.

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Application G-16902/T-11855.tif

Water Resources Department

MAR 04 2016

Permit G-17327

SALEM, OR

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 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.

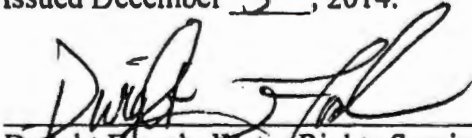
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 complete application of the water to the use shall be made on or before October 1, 2023. 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 December 5, 2014.


Dwight French, Water Rights Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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SALEM, OR

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12295

In order to avoid enlargement of the right or injury to other rights, a Totalizing Flow Meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

- at each point of diversion/appropriation (new and existing) or
- at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Rick Lusk

District: 8

Address: 1995 Third Street, Suite 180

City/State/Zip: Baker City, Oregon, 97814

Phone: 541-523-8224 ext. 231

Email: Rick.M.LUSK@wrđ.state.or.us

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-_____

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12295

Review Due Date: 4-10-2016

Applicant Name: Heffernan Family Trust

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Rick Lusk

Date of Review: Mar. 15, 2016

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No
 Generally characterize the frequency of any regulation or explain why regulation has not occurred: Watermaster District 8 is not currently regulating groundwater in this area
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
 Yes No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
 _____. N/A
7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: N/A Would the quantity be measurable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No
9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain: _____

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? Yes No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: N/A
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked below:

- A Headgate should be required prior to diverting water.
- Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
- 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/appropriation (new and existing) or at each new point of diversion/appropriation.*
- 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.*

- Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
- a. *Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
- b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

- | | |
|---|--|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor |
| <input type="checkbox"/> Other: _____ | |

Oregon Water Resources Department

Measurement Condition Information for the Applicant *(to be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-12295

- In order to avoid enlargement of the right or injury to other rights, a Totalizing Flow Meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:
 - at each point of diversion/appropriation (new and existing) or*
 - at each new point of diversion/appropriation.*

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Rick Lusk

District: 8

Address: 1995 Third Street, Suite 180

City/State/Zip: Baker City, Oregon, 97814

Phone: 541-523-8224 ext. 231

Email: Rick.M.LUSK@ wrd.state.or.us

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T- _____ *(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature	District	Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Water Right Transfer Cover Sheet

Transfer T-12295

Transfer Specialist: _____

Transfer Type: **Permit Amendment**

Applicant Name/Address: HEFFERNAN FAMILY TRUST; CHRIS HEFFERNAN, PRESIDENT 63600 VIEWPOINT LANE NORTH POWDER, OR 97867	Agent Name/Address: MOLLY REID 8019 W QUINAULT AVE SUITE 201 KENNEWICK, WA 99336	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Union County Planning Department
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	G-16902	G-17327		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: March 4, 2016	Proposed Action(s): place of use	
Fees Pd: 1000.00	WM District: 7	ODFW District:
Initial Notice: March 15, 2016	WM Review sent: 3/11/2016	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent:

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

not required

DPD Mailed: _____

Request for news \$ sent: _____

ODFW contact sheet sent with DPD, or N/A

News \$ received: _____

WM measurement contact sheet sent, or N/A

PD Signed: _____

Request to publish sent to newspaper: _____

PD Weekly Notice: _____

Affidavit of publication received: _____

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____
Comments/Special Issues:		

Special Order Volume: Vol _____ Pages _____ Final Order Signature Date: _____

Notice of FO email'd to processors _____



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1 List them here: G-17327 – Attachment #2**
Please include a separate Part 5 for each permit. (See instructions on page 6)
- Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). **Attachment #1**
- N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at http://www.oregon.gov/owrd/pubs/docs/forms/req_assign_8_21_09.pdf). Assignment is not needed if the applicant is the permit holder of record.
- N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant, **or** other permit holders of record that are not listed as applicants.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Land use form is not required if any of the following apply:
 - Water is to be diverted, conveyed, and/or used only on federal lands.
 - All of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
 - The proposed changes are all located on the property reviewed in Land Use form enclosed in Water Right Application Folder # _____.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Assignment Form and fee not enclosed/insufficient
___ Additional signature(s) required	Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0_____ Date: ___/___/___

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- N/A If **more than three** permits are involved, separate maps for each permit.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32’15.5”) or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,000
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$800 and enter » » » » » » » » » » » » » » » »	2	0
3	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i> Multiply line 3b by \$450 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$350 »	4	0
5	Do you propose to change the place of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see example below*): <u>0.44 (5a)</u> Subtract 1.0 from the number in 5a above: <u>0 (5b)</u> If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$300, then enter on line 5 » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,000
7	Is this permit amendment: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » Permit Amendment Fee:	8	\$1,000

***Example for Line 5a calculation** to transfer 45.0 acres of Primary Permit S-12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Permit S-87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each permit involved as follows:
 - Divide total authorized cfs by total acres in the permit (*for S-12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be changed to get the application cfs (*x 45 ac = 0.56 cfs*).
 - If the water right permit does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For S-87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
- Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each “on the ground” acre included in the application. (*In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Heffernan Family Trust - Chris Heffernan, President			PHONE NO. (541) 786-2257	ADDITIONAL CONTACT NO.
ADDRESS 63600 Viewpoint Lane				FAX NO.
CITY North Powder	STATE OR	ZIP 97867	E-MAIL northslope@wildblue.net	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Molly Reid, GSI Water Solutions, Inc.			PHONE NO. (509) 378-3284	ADDITIONAL CONTACT NO. (541) 310-7264 CELL
ADDRESS 8019 W. Quinault Avenue, Suite 201				FAX NO.
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL mreid@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this permit amendment; and why:
Changing the place of use for 35 acres to adjacent, contiguous property for which we have a long term lease.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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Is the applicant the permit holder of record? Yes No

SALEM, OR

If NO, include either:

- A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), **OR**
- An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

I understand that prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: LaGrande Observer.

I (we) affirm that the information contained in this application is true and accurate.


Applicant Signature

Chris Heffernan, President
Print Name (and Title if applicable)

2-23-16
Date

Applicant Signature

Print Name (and Title if applicable)

Date

Check one of the following:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

Check the appropriate box, if applicable:

- Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME Powder Valley Water Control District	ADDRESS P.O. Box 189	
CITY North Powder	STATE OR	ZIP 97867

- Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Union County Planning Department	ADDRESS 1106 K Avenue	
CITY La Grande	STATE OR	ZIP 97850

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Use Permit Information

Please use a separate Part 5 for each permit being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

PERMIT # G-17327

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Basalt Well #3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UNIO 52347	5	S	39	E	27	NW	SW	4100	2254'N & 60' E from SW Corner Section 27
4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT DRILLED	5	S	39	E	27	SW	SE	4100	25'N & 3300'E from SW Corner Section 27
5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NOT DRILLED	5	S	39	E	26	SW	SW	4100	25'N & 25'E from SW corner Section 26
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Will all of the proposed changes affect the entire water use permit?

- Yes Complete only the proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the permit to be changed.

For a change in place of use:

Does the permit holder of record own or control the land TO which the place of use is being moved?

- Yes No

If NO, the landowner of the land TO which the place of use is being moved **must be assigned to the permit as a permit holder of record** by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? Yes No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use **unless** the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Use Permit # G-17327

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre(s) (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre(s) (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2		POU/POD	2	S	9	E	15	NW	NW	100	1	10.0	POD #5	
"	"	"	"	"	"	"	"	"	EXAMPLE	"		"	2	S	9	E	15	SW	NW	200		5.0	POD #6	
5	S	39	E	26	SW	SE	4100		20.0	3,4,5	2007	POU	5	S	39	E	27	NW	NE	4100		2.0	3,4,5	2007
5	S	39	E	26	SE	SE	4100		15.0	3.4.5	2007	POU	5	S	39	E	27	NE	NW	2800		33.0	3.4.5	2007
TOTAL ACRES									35.0	TOTAL ACRES											35.0			

Additional remarks: _____.

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Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? Yes No

If YES, list the other certificate, permit, or ground water registration numbers: _____

➔ If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Attachment #1
Permit Amendment Map
POU Permit Amendment Application for Permit G-17327

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Attachment #2
Permit G-17327
POU Permit Amendment Application for Permit G-17327

T 12295

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-11855 and approved by Special Order Vol. 93, Page 921, entered December 5, 2014, and to describe an extension of time for complete application of water approved March 28, 2014. This permit supersedes Permit G-16421.

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

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WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	SW NW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	34	NW NW	WELL 2: 25 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	27	NW SW	WELL 3: 2254 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	27	SW SE	WELL 4: 25 FEET NORTH AND 3300 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	26	SW SW	WELL 5: 25 FEET NORTH AND 25 FEET EAST FROM THE SW 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	40.0
5 S	39 E	WM	26	SE SE	15.0
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	38.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0
Total:					1191.0

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Permit Amendment Conditions:

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018. A form will be enclosed with your Final Order.**

- (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.

Existing 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 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.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

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Application G-16902/T-11855.tif

Water Resources Department

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Permit G-17327

SALEM, OR

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The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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.

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 not be valid, unless the Department authorizes the change in writing.

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 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.

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 Chapter 635, Division 415, Section 030 adopted November 13, 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.

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Application G-16902/T-11855.tif

Water Resources Department

MAR 04 2016

Permit G-17327

SALEM, OR

T 12295

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 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.

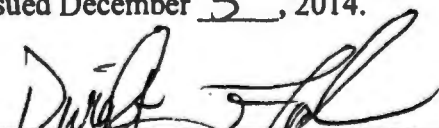
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 complete application of the water to the use shall be made on or before October 1, 2023. 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 December 5, 2014.



Dwight French, Water Rights Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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Attachment #3
Lease Agreement
POU Permit Amendment Application for G-17327

T 12295

Farm Lease Agreement

- This lease is entered into April 20, 2015 (date) between Ward Agricultural Properties, landowner, J&S Agriculture and Heffernan Family Trust, tenant and water right holder. Under the terms and conditions that follow, the landowner hereby leases to the tenant a farm to use for agricultural purposes of approximately 34 acres located in Union County, Oregon in 5S 39E Section 27.
- The term of the lease shall be from 4/20/2015 to 10/1/2023. Extensions must be placed in writing on this lease, and both parties agree that failure to execute an extension at least two months before the end of the current term shall be constructive notice of an intent to allow the lease to expire. The lease will need to be renegotiated before October 1, 2023. At that time the water rights will either be permanently fixed to the property or allowed to expire.
- In the event of death, illness or determination that the lease is deemed unprofitable the lease shall be terminated by mutual agreement at the end of the crop year and the tenant shall be responsible for the years lease payment and for returning the property to its original condition with any fence reconstruction costs being shared 50-50.
- As rent for the farm, the tenant agrees to pay the total sum of \$75 per acre per year for a grand total of \$2,550. Payments shall be made on November 1. In the event of major market fluctuations payment rate can be adjusted with the consent of both parties with a minimum rate of \$75 and negotiable increases in rate.
- Tenant agrees to remain in compliance with any and all conservation plans of the farm and any reasonable landowner management requests. Requirements include but are not limited to:
 - No organic farming.
 - Cereal Rye and all noxious weeds must be controlled.
 - Tenant is responsible for all farming related activities including, tillage, fertilization, irrigation and harvest. Landlord is not responsible for any duties related to the leased ground.
 - Tenant is responsible for all costs associated with farming practices on the land.
 - Landlord is responsible for property taxes associated with the land.
 - Tenants irrigation equipment cannot enter land enrolled in the CREP program.
- Property Rights
 - Right of Entry - The landowner reserves the right for them, their agents, their employees, or their assigns to enter the farm at any reasonable time for purposes of: (a) consultation with the tenant; (b) making repairs, improvements, and inspection; and (c) after notice of termination of the lease is given, for purposes of plowing, seeding, fertilizing, and such customary seasonal work, none of which is to interfere with the tenant in carrying out regular farm operations.
 - Transfer of Farm - If the landowner should sell or otherwise transfer title to the farm, he or she will do so subject to the provisions of this lease.
 - No Right to Sublease - The landowner does not convey to the tenant the right to lease or sublease any part of the farm or to assign the lease to any person or persons, unless prior approval is obtained from the landowner.

Ward Ag. Properties

by Craig Ward
Landowner

J&S Agriculture, LLC by
Sheldon Heffernan

Alan Heffernan
by Heffernan Family Trust by
Sheldon Heffernan TTE
Tenant

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T 12295



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

March 11, 2016

HEFFERNAN FAMILY TRUST; CHRIS HEFFERNAN, PRESIDENT
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

Reference: Application T- 12295

On March 4, 2016, we received your water right Transfer application. The application was accompanied by \$1000.00. Our receipt number 119133 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use until a final order approving the application has been issued by the Department.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #7 (via email)
Molly Reid, Agent

Enclosure



Transfer Applications: Permit Amendments

The holder of a water right permit may apply to change a point of diversion or appropriation or to change the place of use pursuant to ORS 537.211 (4).

Notice is given that the following applications for Permit Amendments have been received by the Department. If the proposed change in point of diversion or appropriation is for a distance greater than 1/4 mile or includes intervening diversion points, notice also will be published in a local newspaper.

Transfer	<u>T 12295</u>
Water Right	Permit: G 17327
County/Basin	Union / Powder(9)
Applicant Name	HEFFERNAN FAMILY TRUST; CHRIS HEFFERNAN, PRESIDENT 63600 VIEWPOINT LANE NORTH POWDER, OR 97867
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	A WELL > CLOVER CREEK / 5.00S 39.00E 27 SWSE A WELL > CLOVER CREEK / 5.00S 39.00E 26 SWSW A WELL > PEACH CREEK / 5.00S 39.00E 34 SWNW A WELL > PEACH CREEK / 5.00S 39.00E 34 NWNW A WELL > PEACH CREEK / 5.00S 39.00E 27 NWSW
Use/Quantity	IRRIGATION / 2.980 CFS (est) IRRIGATION / 2.980 CFS (est) IRRIGATION / 2.980 CFS (est) IRRIGATION / 2.980 CFS (est) IRRIGATION / 2.980 CFS (est)
Priority Date	07/02/2007

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **119133**

INVOICE # _____

RECEIVED FROM: NORTH SLOPE HAY COMPANY
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-12295

CASH: CHECK:# 14551 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,000.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$			
_____	OTHER: (IDENTIFY) _____	\$			
0243 I/S Lease	_____	0244 Muni Water Mgmt. Plan	_____	0245 Cons. Water	_____

4270 WRD OPERATING ACCT

MISCELLANEOUS				
0407	COPY & TAPE FEES	46110	\$	
0410	RESEARCH FEES		\$	
0408	MISC REVENUE: (IDENTIFY)		\$	
TC162	DEPOSIT LIAB. (IDENTIFY)		\$	
0240	EXTENSION OF TIME		\$	
WATER RIGHTS:				
0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ 1000.00		
WELL CONSTRUCTION				
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$
_____	OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY) _____			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **119133**

DATED: 3/4/16 BY: S. Phillips

North Slope Hay Company

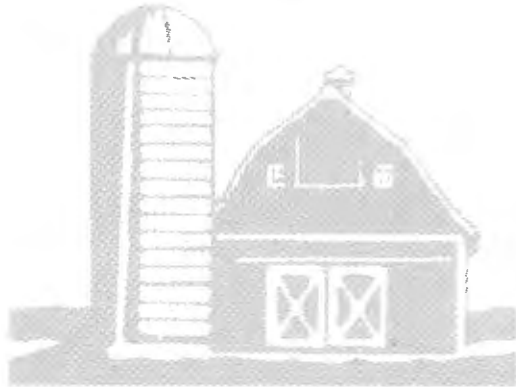
14551

Oregon Water Resources Department
Utilities:Water

OWRD permit expenses

2/25/2016

1,000.00



Community Bank

1,000.00

Permit Amendment Checklist

Checked By: Sarah

Date: 3-7-16

- Completed Applicant Information and Signature.
- Information about Permits to be Amended: Number of permits to be amended: List them here: G-17327
- Ownership Information
 - Please include a separate Part 5 for each permit. (See instructions on page 6)
 - Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is not the permit holder of record and needs to be assigned to the permit; or the landowner of the proposed place of use is not the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at http://www.oregon.gov/owrd/pubs/docs/forms/req_assign_8_21_09.pdf). Assignment is not needed if the applicant is the permit holder of record.
 - Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant, or other permit holders of record that are not listed as applicants.
- Land Use Information Form with approval and signature (or signed land use form receipt stub). Land use form is not required if any of the following apply:
 - Water is to be diverted, conveyed, and/or used only on federal lands.
 - All of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
 - The proposed changes are all located on the property reviewed in Land Use form enclosed in Water Right Application Folder # _____.
- Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

Base fee for <u>one permit</u> , one change and first cfs =		\$1,000.00
Additional fee for <u>second change</u> , if applicable (see Page 5 of application) =	\$800.00	/
Additional fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change a SW diversion point to a well =	\$350.00	/
# of additional permits (see Part 4 of application) =	x \$450.00 =	/
If a change in POU <u>and</u> the application involves more than 1 cfs (based on <u>primary</u> acres x rate), # cfs or fraction above the first cfs =	x \$300.00 =	/
HINT: Total cfs on permit (±) total # acres on permit (x) # acres involved in permit amendment = # cfs involved in permit amendment		
Sub-total =		<u>1000.00</u>
If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 =		/
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =		<u>1000.00</u>

Map requirements

- Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). (OAR 690-380-3100)
 - If more than three permits are involved, separate maps for each permit.
 - Permanent quality printed with dark ink on good quality paper.
 - The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
 - A north arrow, a legend, and scale.
 - Even Scale: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet.
 - Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
 - Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
 - Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
 - Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
 - Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
 - If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
 - Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
 - If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates.



Water Solutions, Inc.

8019 W. Quinault Avenue, Suite 201, Kennewick, Washington 99336
Ph: 509.735.7135 Fax: 509.735.7067

February 29, 2016

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Permit Amendment Application for Permit G-17327 (Heffernan Family Trust)

To Whom It May Concern:

On behalf of my client, Heffernan Family Trust, please find enclosed a permit amendment application for Permit G-17327. Also enclosed are the supporting documents and map. A check in the amount of \$1,000.00 for application fees also accompanies this permit amendment application.

Should you have any questions regarding this application packet, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Molly Reid".

Molly Reid
Senior Water Resources Consultant
(509) 378-3284 Direct Line
(541) 310-7264 Cell
mreid@gsiws.com

Cc: Chris & Donna Heffernan, et al
File

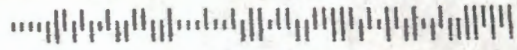
Enclosures: Permit Amendment Application and Map
Supporting Documents
Check

RECEIVED BY OWRD

MAR 04 2016

SALEM, OR

T 12295



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\$1.860
03/01/2016
Mailed From 99336

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US POSTAL SERVICE



8019 W. Quinault Avenue, Suite 201
Kennewick, WA 99336

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301