

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-17738

Prior to the issuance of a permit, the Department must receive the following:

1. Permit recording fees in the amount of \$450.00.
2. Evidence that you have written authorization or an easement permitting access to lands not owned by you.

Please include your application number on any documents submitted, including your check made out to the Oregon Water Resources Department.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On November 19, 2013, Madison Ranches and Jake Madison submitted an application to the Department for the following water use permit:

- Amount of Water: 22.3 cubic feet per second (CFS)
- Use of Water: primary irrigation of 1160.0 acres and supplemental irrigation of 8012.29 acres
- Source of Water: Well 1 through Well 7 in Columbia River Basin
- Area of Proposed Use: Umatilla County within Section 1, Township 2 North, Range 27 East, W.M.; Sections 5, 6, 7, 8, and 17, Township 2 North, Range 28 East, W.M.; Sections 24 and 25, Township 3 North, Range 26 East, W.M.; Sections 1, 2, 11, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, and 36, Township 3 North, Range 27 East, W.M.; Sections 6, 7, 18, 19, 30, 31 and 32, Township 3 North, Range 28 East, W.M.

On July 18, 2014, the Department mailed the applicant notice of its Initial Review, determining that "*The appropriation of ground water from Wells 1 through 7 in Columbia River Basin is allowable during the full period requested, March 1 through October 31 of each year. The maximum rate allowable is 22.3 cubic feet per second (CFS), further limited to 14.5 CFS for primary irrigation of 1,160.0 acres and up to 22.3 CFS for supplemental irrigation of 8,012.29 acres.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On July 22, 2014, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

On August 25, 2014, the applicant was granted an administrative hold to address items in the Initial Review.

On October 24, 2014, the applicant submitted a map to clarify the acreage for primary and supplemental irrigation.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
- applicable statutes, administrative rules, and case law
- the amount of water available
- the rate and duty for the proposed use
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- pending senior applications and existing water rights of record
- any applicable comprehensive plan or zoning ordinance
- recommendations by other state agencies
- the Scenic Waterway requirements of ORS 390.835
- designations of any critical ground water areas
- any comments received

Findings of Fact

The Umatilla Basin Program allows irrigation.

The application proposed a water use limit and duty that are higher than the general basin-wide standard. Oregon Revised Statute 537.621(4) allows the Department to authorize the requested limit and duty except upon specific findings related to the application to support a determination that a lesser amount is needed. The standard allowable limit in the area is 1/60 CFS per acre and the standard allowable duty is 3.0 acre-feet (AF) per acre. The Department has determined there is a need for the higher limit at 1/40 CFS per acre, and a higher duty of 4.5 AF per acre.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

Well 1 through Well 7 in Columbia River Basin are not within or above a State Scenic Waterway.

The Department finds that the amount of water requested, 22.3 CFS, is an acceptable amount.

The proposed ground water use is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will

not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

A limit and duty higher than the general basin-wide standard is needed.

The proposed use requested in this application is allowed in the Umatilla Basin Program.

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The application is in compliance with the State Agency Coordination Program regarding land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to

protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED November 11, 2014



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **December 26, 2014**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public

welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;

- If you are the applicant, the protest fee of \$350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **December 26, 2014**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$200. If a hearing is scheduled, an additional fee of \$500 must be submitted along with a petition for party status.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MADISON RANCHES
JAKE MADISON
29299 MADISON RD
ECHO, OR 97826

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

APPLICATION FILE NUMBER: G-17738

SOURCE OF WATER: WELL 1 THROUGH WELL 7 IN COLUMBIA RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 1128.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 8013.5 ACRES

MAXIMUM RATE: 22.3 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: November 19, 2013

WELL LOCATION:

WELL 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 1, T4N, R25E, W.M.; 1230 FEET NORTH AND 1330 FEET EAST FROM SW CORNER, SECTION 1

WELL 2: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 1, T4N, R25E, W.M.; 120 FEET NORTH AND 2500 FEET EAST FROM SW CORNER, SECTION 1

WELL 3: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 1, T4N, R25E, W.M.; 1500 FEET NORTH AND 2660 FEET EAST FROM SW CORNER, SECTION 1

WELL 4: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T4N, R25E, W.M.; 2878 FEET NORTH AND 3120 FEET EAST FROM SW CORNER, SECTION 1

WELL 5: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, T4N, R25E, W.M.; 740 FEET SOUTH AND 1860 FEET WEST FROM NE CORNER, SECTION 12

WELL 6: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, T4N, R25E, W.M.; 150 FEET SOUTH AND 1780 FEET WEST FROM NE CORNER, SECTION 12

WELL 7: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 1, T4N, R25E, W.M.; 2500 FEET NORTH AND 100 FEET WEST FROM SE CORNER, SECTION 1

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW $\frac{1}{4}$ NW $\frac{1}{4}$		4.55 ACRES
SECTION 1		
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		31.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		31.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		31.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		31.2 ACRES
SECTION 5		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		31.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		35.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		35.5 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		25.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		25.7 ACRES
SECTION 6		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		40.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0 ACRES
SECTION 7		
TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.		

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		31.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		40.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		40.0 ACRES

SECTION 8

NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.1 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.1 ACRES

SECTION 17

TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$	31.25 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.25 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.25 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.25 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.25 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.25 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.25 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.25 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
SW $\frac{1}{4}$ SW $\frac{1}{4}$	31.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.8 ACRES

SECTION 24

TOWNSHIP 3 NORTH, RANGE 26 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NW ¼		26.0 ACRES
NW ¼ NW ¼		25.0 ACRES
SW ¼ NW ¼		32.3 ACRES
SE ¼ NW ¼		33.4 ACRES
NE ¼ SW ¼		23.9 ACRES
NW ¼ SW ¼		23.0 ACRES
NE ¼ SE ¼	21.6 ACRES	
SE ¼ SE ¼	19.8 ACRES	

SECTION 25

TOWNSHIP 3 NORTH, RANGE 26 EAST, W.M.

NE ¼ NE ¼		2.19 ACRES
SW ¼ NE ¼		18.48 ACRES
SE ¼ NE ¼		16.7 ACRES
SE ¼ NW ¼		0.07 ACRE
NE ¼ SW ¼		26.88 ACRES
NW ¼ SW ¼		22.13 ACRES
SW ¼ SW ¼		33.77 ACRES
SE ¼ SW ¼		36.99 ACRES
NE ¼ SE ¼		37.83 ACRES
NW ¼ SE ¼		39.58 ACRES
SW ¼ SE ¼		24.42 ACRES
SE ¼ SE ¼		31.14 ACRES

SECTION 1

SE ¼ SW ¼		25.3 ACRES
SW ¼ SE ¼		26.9 ACRES

SECTION 2

NE ¼ NE ¼		36.4 ACRES
NW ¼ NE ¼		37.1 ACRES
SW ¼ NE ¼		11.8 ACRES
SE ¼ NE ¼		37.5 ACRES
NE ¼ NW ¼		36.5 ACRES
NW ¼ NW ¼		1.2 ACRES
SW ¼ NW ¼		33.8 ACRES
SE ¼ NW ¼		36.6 ACRES
NE ¼ SW ¼		34.3 ACRES
NW ¼ SW ¼		26.1 ACRES
SW ¼ SW ¼		29.4 ACRES
SE ¼ SW ¼		40.0 ACRES
NE ¼ SE ¼		34.0 ACRES
NW ¼ SE ¼		40.0 ACRES
SW ¼ SE ¼		33.2 ACRES
SE ¼ SE ¼		20.3 ACRES

SECTION 11

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼		19.8 ACRES
NW ¼ NE ¼		33.24 ACRES
SW ¼ NE ¼		33.1 ACRES
SE ¼ NE ¼		37.8 ACRES
NE ¼ NW ¼		32.82 ACRES
NW ¼ NW ¼		27.2 ACRES
SW ¼ NW ¼		29.0 ACRES
SE ¼ NW ¼		35.7 ACRES
NE ¼ SW ¼		28.8 ACRES
NW ¼ SW ¼		39.8 ACRES
SW ¼ SW ¼		29.9 ACRES
SE ¼ SW ¼		18.9 ACRES
NE ¼ SE ¼		32.6 ACRES
NW ¼ SE ¼		6.4 ACRES

SECTION 12

NE ¼ NE ¼		29.8 ACRES
NW ¼ NE ¼		32.2 ACRES
SW ¼ NE ¼		33.4 ACRES
SE ¼ NE ¼		36.1 ACRES
NE ¼ NW ¼		35.6 ACRES
NW ¼ NW ¼		37.5 ACRES
SW ¼ NW ¼		34.2 ACRES
SE ¼ NW ¼		21.0 ACRES
NE ¼ SW ¼		0.5 ACRE
NW ¼ SW ¼		35.5 ACRES
SW ¼ SW ¼		10.1 ACRES
NE ¼ SE ¼		32.3 ACRES
NW ¼ SE ¼		30.4 ACRES
SW ¼ SE ¼		35.6 ACRES
SE ¼ SE ¼		29.0 ACRES

SECTION 13

NE ¼ NE ¼		33.9 ACRES
NW ¼ NE ¼		39.2 ACRES
SW ¼ NE ¼		32.3 ACRES
SE ¼ NE ¼		33.6 ACRES
NE ¼ NW ¼		30.4 ACRES
NW ¼ NW ¼		21.0 ACRES
SW ¼ NW ¼		9.7 ACRES
SE ¼ NW ¼		32.5 ACRES
NE ¼ SW ¼		40.0 ACRES
NW ¼ SW ¼		15.5 ACRES
SE ¼ SW ¼		3.9 ACRES
NE ¼ SE ¼		39.6 ACRES
NW ¼ SE ¼		16.6 ACRES
SE ¼ SE ¼		12.7 ACRES

SECTION 14

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW $\frac{1}{4}$ NW $\frac{1}{4}$		13.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		15.5 ACRES
SECTION 15		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		33.9 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		12.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		13.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		38.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		37.7 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		25.53 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		24.53 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		37.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		30.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		31.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		32.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		31.9 ACRES
SECTION 16		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		34.52 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		27.61 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		28.52 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		34.52 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		33.34 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		32.58 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		34.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		38.56 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		3.26 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		2.13 ACRES
SECTION 17		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		31.25 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		31.25 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31.25 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		31.25 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		31.25 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		31.25 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		31.25 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		31.25 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		37.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		18.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		18.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		37.3 ACRES

SECTION 19

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.5 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.8 ACRES	31.3 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.1 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24.1 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.4 ACRES	31.3 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ACRES	31.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		6.9 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		6.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.1 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.2 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.0 ACRES	31.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.5 ACRES	

SECTION 20

NE $\frac{1}{4}$ NE $\frac{1}{4}$		26.1 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		24.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		34.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		35.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.3 ACRES	1.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.8 ACRES	2.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.5 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.9 ACRES	

SECTION 23

NE $\frac{1}{4}$ NE $\frac{1}{4}$		17.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		33.9 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		28.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		17.5 ACRES

SECTION 24

NE $\frac{1}{4}$ NW $\frac{1}{4}$		3.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		12.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		20.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		7.9 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		36.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		5.7 ACRES

SECTION 25

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23.6 ACRES	13.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	23.8 ACRES	1.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		3.5 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		40.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		5.15 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		21.25 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		28.25 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		11.45 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.25 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		31.25 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		31.25 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		31.25 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		29.02 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		24.13 ACRES

SECTION 26

NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.3 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.1 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	18.1 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	17.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	9.7 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	12.7 ACRES

SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$	37.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	38.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	7.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.9 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.2 ACRES

SECTION 28

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.6 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.4 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	13.0 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.7 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.9 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.7 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	26.3 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26.9 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.5 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.4 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25.8 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.1 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.3 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	20.3 ACRES	

SECTION 29

NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	26.1 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.9 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.1 ACRES

SECTION 30

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

<u>OO</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼		34.75 ACRES
NW ¼ NE ¼		20.75 ACRES
SW ¼ NE ¼		13.15 ACRES
SE ¼ NE ¼		34.25 ACRES
SW ¼ NW ¼		5.95 ACRES
SE ¼ NW ¼		10.35 ACRES
NE ¼ SW ¼		39.45 ACRES
NW ¼ SW ¼		36.15 ACRES
SW ¼ SW ¼		28.1 ACRES
SE ¼ SW ¼		36.2 ACRES
NE ¼ SE ¼		39.65 ACRES
NW ¼ SE ¼		33.75 ACRES
SW ¼ SE ¼		20.45 ACRES
SE ¼ SE ¼		37.35 ACRES

SECTION 34

NW ¼ NE ¼		3.4 ACRES
SW ¼ NE ¼		1.8 ACRES
NE ¼ NW ¼		31.25 ACRES
NW ¼ NW ¼		31.25 ACRES
SW ¼ NW ¼		31.25 ACRES
SE ¼ NW ¼		31.25 ACRES
NW ¼ SW ¼		22.6 ACRES
SW ¼ SW ¼		17.2 ACRES

SECTION 35

NE ¼ NW ¼		1.88 ACRES
SW ¼ NW ¼		3.35 ACRES
NW ¼ SW ¼		4.35 ACRES
SW ¼ SW ¼		1.14 ACRES
SE ¼ SE ¼		4.0 ACRES

SECTION 36

TOWNSHIP 3 NORTH, RANGE 27 EAST, W.M.

NE ¼ NW ¼		28.69 ACRES
NW ¼ NW ¼		25.0 ACRES
SW ¼ NW ¼		22.03 ACRES
SE ¼ NW ¼		35.0 ACRES
NE ¼ SW ¼		25.0 ACRES
NW ¼ SW ¼		19.19 ACRES
SW ¼ SW ¼		28.83 ACRES
SE ¼ SW ¼		28.7 ACRES

SECTION 6

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$		34.7 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		31.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		29.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		23.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.1 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		24.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		22.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		30.1 ACRES
SECTION 7		
NE $\frac{1}{4}$ NW $\frac{1}{4}$		35.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		34.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		33.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		17.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		20.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		39.1 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		0.9 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$		28.5 ACRES
SECTION 18		
NE $\frac{1}{4}$ NW $\frac{1}{4}$		3.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		0.6 ACRE
SECTION 19		
NW $\frac{1}{4}$ SW $\frac{1}{4}$		1.1 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		0.9 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$		20.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		11.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		16.7 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		28.0 ACRES
SECTION 30		
NE $\frac{1}{4}$ SW $\frac{1}{4}$		35.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		15.9 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		9.1 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		37.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		9.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		9.0 ACRES
SECTION 31		
NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		31.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		6.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		31.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		31.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		31.2 ACRES
SECTION 32		
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.		

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

The wells shall allow ground water production only from the alluvial ground water reservoir above the Columbia River Basalts.

The permittee shall construct two minimum six-inch diameter observation wells to penetrate the same aquifer as the production wells. The wells shall meet the Department's minimum well-construction standards, and shall be cased and sealed to the same depth as the production wells. The wells shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The wells shall not be used for any other purpose while the Department is monitoring water levels. The wells shall be completed prior to water use under the terms of any permit issued.

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 be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or 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 and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port 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 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet 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 to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data 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 application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Mailing List for PFO Copies

Application #G-17738

PFO Date November 11, 2014

Original e-mailed to applicant:

~~JAKE MADISON, 29299 MADISON RD, ECHO, OR 97826~~

SENT VIA EMAIL:

1. Applicant - jake@madisonranches.com
2. Agent - jmelady@gsiws.com
3. WRD - Watermaster # 5

Copies sent to:

1. WRD - File # G-17738

PFO and Map Copies sent to:

2. Regional Manager: NC

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
--

Protest/ Standing Dates checked _____
--

CASEWORKER : Kim French