

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DOUGLAS J. AND ELSIE D. NEWMAN
RT 1 BOX 59A
HAINES, OREGON 97833

(541) 856-3746

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13804.

SOURCE OF WATER: TWO WELLS IN BIG MUDDY CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 401.33 ACRES

MAXIMUM RATE: 4.50 CUBIC FEET PER SECOND (CFS), BEING 2.25 CFS FROM EACH WELL

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 31, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 26, NE 1/4 SE 1/4, SECTION 27, T7S, R38E, W.M.; WELL 1 - 3270 FEET SOUTH & 50 FEET WEST; WELL 2 - 10 FEET SOUTH & 50 FEET EAST BOTH FROM NW CORNER, 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 (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 40.0 ACRES
SE 1/4 SW 1/4 40.0 ACRES
SECTION 23

NE 1/4 NW 1/4 40.0 ACRES
NW 1/4 NW 1/4 40.0 ACRES
SECTION 26

SW 1/4 NE 1/4 26.0 ACRES
 SE 1/4 NE 1/4 27.0 ACRES
 SE 1/4 NW 1/4 27.63 ACRES
 NE 1/4 SW 1/4 39.7 ACRES
 SW 1/4 SW 1/4 11.0 ACRES
 SE 1/4 SW 1/4 40.0 ACRES
 NE 1/4 SE 1/4 35.0 ACRES
 NW 1/4 SE 1/4 35.0 ACRES

SECTION 27

TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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.

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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. 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 wells shall be continuously cased and sealed and ground water for use under this permit shall be produced from a depth greater than 100 feet below land surface.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order or Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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

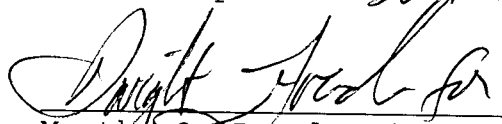
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of water to the use shall be made on or before October 1, 2003. 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 September 30, 1999



Martha O. Pagel, Director
Water Resources Department