

STATE OF OREGON

COUNTY OF BAKER

EMERGENCY USE PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN ROHNER
ROHNER'S DAIRY INC.
40535 POCAHONTAS RD
BAKER CITY, OREGON 97814

to use the waters of A WELL in the POWDER RIVER BASIN for SUPPLEMENTAL IRRIGATION OF 535.8 ACRES.

This permit is issued approving Application G-16437. The date of filing is April 13, 2005. The use is limited to not more than 2.0 CUBIC FEET PER SECOND, or it's equivalent in case of rotation, measured at the well.

This permit expires on October 31, 2005 or when the Governor's March 8, 2005, declaration of drought emergency for Baker County is terminated, whichever comes first.

The permittee assumes all liability associated with use of water under the permit in the event claims of injury or claims for compensation are filed.

If injury to existing rights or detriment to the public interest is observed, the Department may regulate water use under this permit to mitigate such injury or detriment, or cancel this permit if mitigation is not possible.

The period of use shall be: APRIL 27, 2005 THROUGH OCTOBER 31, 2005

The well is located as follows:

OPTION 1 - NE 1/4 SW 1/4, SECTION 2; 2600 FEET NORTH & 3045 FEET WEST FROM THE SE CORNER OF SECTION 2, TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

OPTION 2 - NW 1/4 SE 1/4, SECTION 2; 2600 FEET NORTH & 2331 FEET WEST FROM THE SE CORNER OF SECTION 2, TOWNSHIP 9 SOUTH, RANGE 39 EAST, W.M.

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4	40.0 ACRES
SW 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	40.0 ACRES
SE 1/4 NW 1/4	33.3 ACRES
NE 1/4 SW 1/4	40.0 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	40.0 ACRES
SW 1/4 SE 1/4	40.0 ACRES
SE 1/4 SE 1/4	40.0 ACRES

SECTION 2

NE 1/4 NE 1/4	38.0 ACRES
NW 1/4 NE 1/4	39.0 ACRES
SW 1/4 NE 1/4	10.0 ACRES
SE 1/4 NE 1/4	25.5 ACRES
NE 1/4 NW 1/4	35.0 ACRES

SECTION 11

TOWNSHIP 9 SOUTH, RANGE 39 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. 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 well shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well may not be completed in such a manner that it allows ground water to be developed from shallower sands and gravels. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. The new well depth and construction specifications will be incorporated into any certificate issued for this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

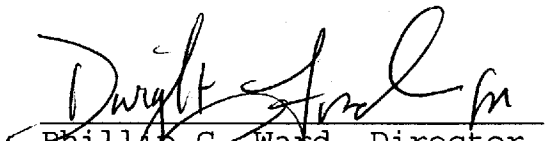
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The Director may require the applicant to submit a plan and evidence showing conservation and water use curtailment measures have been taken.

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.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect property not under the ownership of the permit holder.

Issued April 27, 2005


Phillip C. Ward, Director
Water Resources Department

Note: Information regarding efficient water use has been enclosed with this permit.

Application G-16437 Water Resources Department
Basin 9 Volume 1 SALMON CR & MISC ALSO WELLS
jme

PERMIT G-15904
District 8