

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MARIE MACOMBER

P.O. BOX 6

RILEY, OREGON 97758

(541) 493-2445

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

APPLICATION FILE NUMBER: R-72408

SOURCE OF WATER: INTERMITTENT STREAMS, TRIBUTARIES OF SILVER CREEK, WITHIN THE MALHEUR LAKE BASIN

STORAGE FACILITY: 9 UNNAMED RESERVOIRS

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK

VOLUME OF USE: 23.5 ACRE-FEET (AF) PER YEAR, BEING 2.5 AF IN RESERVOIR 1, 0.2 AF IN RESERVOIR 2, 0.1 AF IN RESERVOIR 3, 9.0 AF IN RESERVOIR 4, 0.2 AF IN RESERVOIR 5, 7.7 AF IN RESERVOIR 6, 1.8 AF IN RESERVOIR 7, 0.1 AF IN RESERVOIR 8, 1.9 AF IN RESERVOIR 9

PERIOD OF USE: NOVEMBER 1 THROUGH MARCH 1

DATE OF PRIORITY: MAY 18, 1992

The area submerged by the reservoirs, when full, will be 2.1 acres for Reservoir 1, 0.1 acre for Reservoir 2 and 3, 3.9 acres for Reservoir 4, 0.1 acre for Reservoir 5, 4.6 acres for Reservoir 6, 1.4 acre for Reservoir 7, 0.1 acre for Reservoir 8, and 1.0 for Reservoir 9, and the maximum depth of water will be 3.0 feet in Reservoirs 1 and 2, 5.0 feet in Reservoir 3, 7.0 feet in Reservoir 4, 5.0 feet in Reservoir 5, 2.0 feet in Reservoir 6, 3.0 feet in Reservoir 7, 2.0 feet in Reservoir 8, and 6.0 feet in Reservoir 9.

The maximum height of the dam shall not exceed 5.0 feet on reservoir 1, 3.0 feet on reservoir 2, 5.0 feet on reservoir 3, 9.0 feet on reservoir 4, 0.0 feet on reservoir 5, 5.0 feet on reservoir 6, 6.0 feet on reservoir 7, 0.0 feet on reservoir 8, and 8.0 feet on reservoir 9.

DAM LOCATION: SW 1/4 NE 1/4 AND SE 1/4 SE 1/4, SECTION 1, T23S, R26E, W.M.; SE 1/4 SE 1/4, SECTION 11, T23S, R26E, W.M.; SE 1/4 NE 1/4, NW 1/4 NW 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 12, T23S, R26E, W.M.; SW 1/4 SW 1/4 AND SW 1/4 SW 1/4, SECTION 6, T23S, R27E, W.M.; RESERVOIR 1 - 1350 FEET SOUTH AND 1550 FEET WEST FROM NE CORNER, SECTION 1; RESERVOIR 2 - 1110 FEET NORTH AND 800 FEET EAST, RESERVOIR 3 - 1035 FEET NORTH AND 675 FEET EAST BOTH FROM SW CORNER, SECTION 6;

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RESERVOIR 4 - 10 FEET NORTH AND 200 FEET WEST FROM SE CORNER, SECTION 1;
RESERVOIR 5 - 600 FEET SOUTH AND 820 FEET EAST FROM NW CORNER, SECTION
12; RESERVOIR 6 - 2150 FEET SOUTH AND 200 FEET WEST FROM NE CORNER,
SECTION 12; RESERVOIR 7 - 1620 FEET NORTH AND 200 FEET WEST FROM SE
CORNER, SECTION 12; RESERVOIR 8 - 200 FEET NORTH AND 160 FEET WEST FROM
SE CORNER, SECTION 11; RESERVOIR 9 - 60 FEET NORTH AND 400 FEET WEST
FROM SE CORNER, SECTION 12

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SE 1/4 SE 1/4
SECTION 1
SE 1/4 SE 1/4
SECTION 11
SE 1/4 NE 1/4
NW 1/4 NW 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 12
TOWNSHIP 23 SOUTH, RANGE 26 EAST, W.M.
SW 1/4 SW 1/4
SECTION 6
TOWNSHIP 23 SOUTH, RANGE 27 EAST, W.M.

Measurement recording and reporting conditions for all 9 reservoirs:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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.

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.

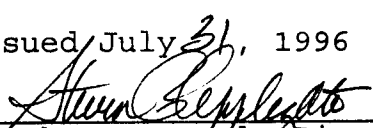
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 31, 1996


Martha O. Pagel, Director
Water Resources Department