

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EUGENE M. & JOAN E. DAVILLA
HCR 87 BOX 576
BAKER CITY, OREGON 97814

(541) 523-3093

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

APPLICATION FILE NUMBER: R-72334

SOURCE OF WATER: UNNAMED STREAMS, TRIBUTARIES OF BEAVER CREEK WITHIN THE POWDER BASIN

STORAGE FACILITY: RESERVOIRS 1,2,3,4 & 5

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK WATERING AND WILDLIFE

RATE/VOLUME OF ALLOWED USE: 1.6 ACRE-FEET (AF) EACH YEAR BEING;- 0.5 AF IN RESERVOIR #1 - 0.3 AF IN RESERVOIR #2 - 0.1 AF IN RESERVOIR #3 - 0.5 AF IN RESERVOIR #4 - 0.2 AF IN RESERVOIR #5

PERIOD OF ALLOWED USE: WATER MAY BE TO APPROPRIATED FOR STORAGE FROM OCTOBER 1 THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: APRIL 20, 1992

The total area proposed to be submerged by the reservoirs, when full, is: RESERVOIR #1 0.20 ACRE; RESERVOIR #2 0.10 ACRE; RESERVOIR #3 0.10 ACRE; RESERVOIR #4 0.20 ACRE; RESERVOIR #5 0.10 ACRE

The proposed maximum depth of water is: RESERVOIR #1 6.0 FEET; RESERVOIR #2 6.0 FEET; RESERVOIR #3 5.0 FEET; RESERVOIR #4 6.0 FEET; RESERVOIR #5 5.0 FEET

The maximum height of the dam will not exceed: RESERVOIR #1 8.0 FEET; RESERVOIR #2 9.0 FEET; RESERVOIR #3 9.0 FEET; RESERVOIR #4 9.0 FEET; Reservoir #5 8.0 feet

DAM LOCATIONS: - (RES 1) SE 1/4 SW 1/4, SECTION 34, T 10 S, R 40 E, W.M.; 640 FEET NORTH AND 520 FEET WEST FROM THE SOUTHEAST CORNER, SECTION 34 (RES 2) - NE 1/4 NE 1/4, SECTION 4, T 11 S, R 40 E, W.M.; 240 FEET SOUTH AND 130 FEET WEST FROM THE NORTHEAST CORNER, SECTION 4 (RES 3) - NE 1/4 SE 1/4, SECTION 33, T 10 S, R 40 E, W.M.; 1290 FEET SOUTH AND 90 FEET WEST FROM THE EAST 1/4 CORNER, SECTION 33 (RES 4) - NE 1/4 NE 1/4, SECTION 33, T 10 S, R 40 E, W.M.; 300 FEET SOUTH AND 180 FEET WEST OF THE NORTHEAST CORNER, SECTION 33 (RES 5) - SE 1/4 NW 1/4, SECTION 33, T 10 S, R 40 E, W.M.; 1400 FEET SOUTH AND 90 FEET WEST FROM THE NORTH 1/4 CORNER, SECTION 33

Application R-72334 Water Resources Department

PERMIT R-11863

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

NE 1/4 NE 1/4

SE 1/4 NW 1/4

NE 1/4 SE 1/4

SECTION 33

SE 1/4 SW 1/4

SECTION 34

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

NE 1/4 NE 1/4

SECTION 4

TOWNSHIP 11 SOUTH, RANGE 40 EAST, W.M.

Measurement recording and reporting conditions:

- 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 between June 1 and September 30.

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.

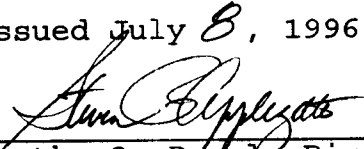
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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 8, 1996

for 
Martha O. Pagel, Director
Water Resources Department