

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FOSTER RANCH  
HCR 87, BOX 552  
BAKER CITY, OREGON 97814

(541) 523-7091

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

APPLICATION FILE NUMBER: R-71442

SOURCE OF WATER: ELK CREEK, A TRIBUTARY OF THE POWDER RIVER

STORAGE FACILITY: RESERVOIRS 2, 3, 4 & 5

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-71443, PERMIT 52438, FOR IRRIGATION AND STOCK WATER

MAXIMUM VOLUME ALLOWED: 32.5 ACRE-FEET (AF) EACH YEAR, BEING 1.0 AF IN RESERVOIR 2, 1.0 AF IN RESERVOIR 3, 29.0 AF IN RESERVOIR 4, AND 1.5 AF IN RESERVOIR 5

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE YEAR-ROUND

DATE OF PRIORITY: MARCH 27, 1991

The total area proposed to be submerged by the Reservoir 2, when full, is 0.9 acre; the proposed maximum depth of water is 3.5 feet. The maximum height of the dam will not exceed 4.5 feet.

The total area proposed to be submerged by the Reservoir 3, when full, is 1.3 acres; the proposed maximum depth of water is 4.0 feet. The maximum height of the dam will not exceed 6.5 feet.

The total area proposed to be submerged by the Reservoir 4, when full, is 6.0 acres; the proposed maximum depth of water is 11.5 feet. The maximum height of the dam will not exceed 14.0 feet.

The total area proposed to be submerged by the Reservoir 5, when full, is 0.6 acre; the proposed maximum depth of water is 6.0 feet. The maximum height of the dam will not exceed 9.0 feet.

DAM LOCATION: NE 1/4 SE 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 NE 1/4, SECTION 6, TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.;  
RESERVOIR 2 - 3050 FEET SOUTH & 1000 FEET WEST; RESERVOIR 3 - 3000 FEET SOUTH & 3000 FEET WEST; RESERVOIR 4 - 2670 FEET SOUTH & 5200 FEET WEST; RESERVOIR 5 - 450 FEET SOUTH & 2400 FEET WEST; ALL FROM THE NORTHEAST CORNER, SECTION 6  
Application R-71442      Water Resources Department      PERMIT R-11864

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

NW 1/4 NE 1/4  
 SW 1/4 NW 1/4  
 NW 1/4 SW 1/4  
 NE 1/4 SW 1/4  
 NE 1/4 SE 1/4

SECTION 6

TOWNSHIP 10 SOUTH, RANGE 40 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.
- 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.
- C. 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.

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.

When in the judgement of the Watermaster it becomes necessary to regulate waters of the stream system, storage of water in the reservoir shall be subject to the installation of suitable devices for measuring all incoming natural flows and outflows from the reservoir or passing all incoming natural flows. The types and plans for such devices shall be approved by the Watermaster and shall be installed under the general supervision of said Watermaster.

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

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment and spillway shall be performed as necessary to remove trees, brush, debris and/or burrowing animals, or to repair areas of erosion.

Neither shall the existing structure, nor the asbuilt drawing, be altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative.

**STANDARD CONDITIONS**

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

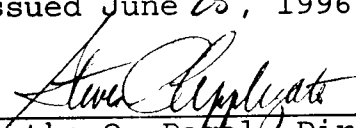
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 stored water to the use shall be made on or before October 1, 1999.

Issued June 25, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department

Application R-71442  
Basin 09

Water Resources Department  
Volume 2A Elk Creek & Misc.  
MGMT. CODES 2AD, 2AW

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District 08