

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEWIS W. SMITH III
BEAVER CREEK RANCH
HCR 87, BOX 585
BAKER CITY, OREGON 97814

(541) 523-7500

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

APPLICATION FILE NUMBER: R-72317

SOURCE OF WATER: BEAVER CREEK, A TRIBUTARY OF SMITH DITCH, FOR RESERVOIR #1; WEST BEAVER CREEK, A TRIBUTARY OF BEAVER CREEK, FOR RESERVOIRS #3, #4, #9, #10, AND #14; WALDO GULCH, A TRIBUTARY OF WEST BEAVER CREEK, FOR RESERVOIRS #8, #11, #15 AND #16; UNNAMED STREAMS, TRIBUTARIES OF POWDER RIVER, FOR RESERVOIRS #6, #7, AND #12; AN UNNAMED STREAM, A TRIBUTARY OF WALDO GULCH, FOR RESERVOIR #13

STORAGE FACILITY: RESERVOIRS #1, #3, #4, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK

MAXIMUM VOLUME ALLOWED: 2.51 ACRE-FEET (AF) EACH YEAR, BEING 1.03 AF IN RESERVOIR #1, 0.01 AF IN RESERVOIR #3, 0.01 AF IN RESERVOIR #4, 0.03 AF IN RESERVOIR #6, 0.03 AF IN RESERVOIR #7, 0.47 AF IN RESERVOIR #8, 0.26 AF IN RESERVOIR #9, 0.26 AF IN RESERVOIR #10, 0.03 AF IN RESERVOIR #11, 0.01 AF IN RESERVOIR #12, 0.21 AF IN RESERVOIR #13, 0.10 AF IN RESERVOIR #14, 0.05 AF IN RESERVOIR #15 AND 0.01 AF IN RESERVOIR #16

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD OCTOBER 1 THROUGH MAY 31 OF EACH YEAR.

DATE OF PRIORITY: APRIL 13, 1992

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #1, WHEN FULL, IS 0.215 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 12.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 7.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #3, WHEN FULL, IS 0.005 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 5.0 FEET. THERE IS NO DAM.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #4, WHEN FULL, IS 0.005 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 5.0 FEET. THERE IS NO DAM.

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THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #6, WHEN FULL, IS 0.014 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 5.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 4.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #7, WHEN FULL, IS 0.014 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 5.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 4.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #8, WHEN FULL, IS 0.146 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 8.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 6.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #9, WHEN FULL, IS 0.11 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 6.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 7.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #10, WHEN FULL, IS 0.11 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 6.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 7.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #11, WHEN FULL, IS 0.014 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 6.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 5.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #12, WHEN FULL, IS 0.005 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 6.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 4.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #13, WHEN FULL, IS 0.073 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 7.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 6.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #14, WHEN FULL, IS 0.036 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 6.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 4.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #15, WHEN FULL, IS 0.02 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 6.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 5.0 FEET.

THE TOTAL AREA PROPOSED TO BE SUBMERGED BY RESERVOIR #16, WHEN FULL, IS 0.003 ACRE; THE PROPOSED MAXIMUM DEPTH OF WATER IS 7.0 FEET. THE MAXIMUM HEIGHT OF THE DAM WILL NOT EXCEED 4.0 FEET.

DAM LOCATIONS: NE 1/4 SE 1/4 SECTION 17, SE 1/4 SE 1/4 SECTION 19, NW 1/4 NW 1/4 SECTION 21, SE 1/4 NW 1/4 & NE 1/4 SW 1/4 SECTION 28, NE 1/4 NE 1/4 & SE 1/4 SE 1/4 SECTION 29, NE 1/4 NE 1/4 SECTION 31, NE 1/4 NE 1/4 SECTION 32, NW 1/4 SW 1/4 & SW 1/4 SW 1/4 & SE 1/4 NW 1/4, SECTION 33, T10S, R30E, W.M.; RESERVOIR #1 - 1350 FEET NORTH & 750 FEET WEST FROM THE SE CORNER OF SECTION 17; RESERVOIR #3 - 200 FEET SOUTH & 1000 FEET EAST, RESERVOIR #4 - 700 FEET SOUTH & 500 FEET EAST, BOTH FROM THE NW CORNER OF SECTION 21; RESERVOIR #6 - 700 FEET NORTH & 1200 FEET WEST,

RESERVOIR #7 - 500 FEET NORTH & 1200 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 19; RESERVOIR #8 - 1100 FEET SOUTH & 100 FEET WEST FROM THE NE CORNER OF SECTION 29; RESERVOIR #9 - 2600 FEET SOUTH & 2800 FEET WEST, RESERVOIR #10 - 2900 FEET SOUTH & 2650 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 28; RESERVOIR #11 - 1050 FEET NORTH & 850 FEET WEST FROM THE SE CORNER OF SECTION 29; RESERVOIR #12 - 550 FEET SOUTH & 1250 FEET WEST FROM THE NE CORNER OF SECTION 31; RESERVOIR #13 - 1250 FEET SOUTH & 500 FEET WEST FROM THE NE CORNER OF SECTION 32; RESERVOIR #14 - 1500 FEET SOUTH & 2600 FEET EAST FROM THE NW CORNER OF SECTION 33; RESERVOIR #15 - 1750 FEET NORTH & 400 FEET EAST, RESERVOIR #16 - 800 FEET NORTH & 550 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 33

THE AREAS TO BE SUBMERGED BY THE RESERVOIRS ARE LOCATED WITHIN:

NE 1/4 SE 1/4
SECTION 17

SE 1/4 SE 1/4
SECTION 19

NW 1/4 NW 1/4
SECTION 21

SE 1/4 NW 1/4
NE 1/4 SW 1/4
SECTION 28

NE 1/4 NE 1/4
SE 1/4 SE 1/4
SECTION 29

NE 1/4 NE 1/4
SECTION 31

NE 1/4 NE 1/4
SECTION 32

SE 1/4 NW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SECTION 33

TOWNSHIP 10 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 permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is installed, maintained, and operated as required by the Oregon Department of Fish and Wildlife. The required fishway is to be in place and functional prior to diversion of any water.

STANDARD CONDITIONS

The storage of water in Reservoir #8 is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 4 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.

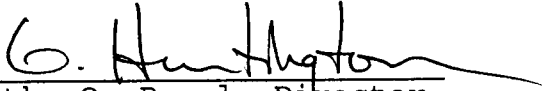
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued September 30, 1996



Martha O. Pagel, Director
Water Resources Department