

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT  
100 OREGON STREET  
VALE, OREGON 97918

PHONE: (541) 473-3144

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

APPLICATION FILE NUMBER: R-67849

SOURCE OF WATER: AN UNNAMED STREAM, TRIBUTARY TO THE MALHEUR RIVER

STORAGE FACILITY: BARBER RESERVOIR (2047)

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK AND WILDLIFE

VOLUME OF USE: 15.1 ACRE-FEET PER YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD MARCH 1 THROUGH APRIL 30

DATE OF PRIORITY: OCTOBER 14, 1983

The area submerged by the reservoir, when full, will be 8.4 acres and the maximum depth of water will be 4.5 feet. The maximum height of the dam shall not exceed 5.0 feet.

DAM LOCATION: SE 1/4 NE 1/4, SECTION 29, T23S, R38E, W.M.; 2580 FEET SOUTH AND 330 FEET WEST FROM THE NE CORNER OF SECTION 29

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

SE 1/4 NE 1/4  
NE 1/4 SE 1/4  
SECTION 29  
TOWNSHIP 23 SOUTH, RANGE 38 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.

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- 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.

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.

#### 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.

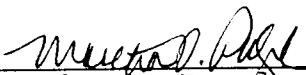
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued September 11, 1996

  
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Martha O. Page, Director  
Water Resources Department

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Basin 10 Volume 1, Granite Creek & Misc.

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District 09