

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-71441

SOURCE OF WATER: AN UNNAMED SLOUGH, A TRIBUTARY OF THE POWDER RIVER

STORAGE FACILITY: RESERVOIR 1

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK

MAXIMUM VOLUME ALLOWED: 0.5 ACRE-FOOT EACH YEAR

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

DATE OF PRIORITY: MARCH 27, 1991

The area submerged by the reservoir, when full, will be 0.6 acre and the maximum depth of water will be 1.0 foot. The maximum height of the dam shall not exceed 2.5 feet.

DAM LOCATION: NW 1/4 SE 1/4, SECTION 5, TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.; 3325 FEET SOUTH & 3925 FEET EAST FROM NORTHEAST CORNER, SECTION 6

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

NW 1/4 SE 1/4
SECTION 5
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.

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Superseded by R-12061

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.

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.

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.

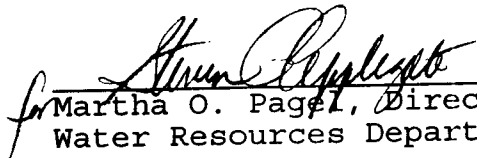
SUPERCEDED by R-12061

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 June 25, 1996


for Martha O. Pagel, Director
Water Resources Department

SUPERCEDED BY R-12061