



STATE OF OREGON

HARNEY COUNTY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 59764 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Don Toelle of Buchanan Route, Burns, Oregon 97720, phone 493-2451, for the use of the waters of Cow Creek and East Cow Creek, being 1.7 cubic feet of water per second from Cow Creek and 1.24 cfs from East Cow Creek, tributaries of Malheur Lake, for the PURPOSE of irrigation; that the PRIORITY OF THE RIGHT dates from February 6, 1980, and is limited to the amount of water which can be applied to beneficial use and shall not exceed 2.9 cfs measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users.

The POINTS OF DIVERSION are to be LOCATED: Diversion 1 (Cow Creek) - 1,950 feet South and 2,080 feet East from the Northwest Corner of Section 14, being within the SE 1/4 NW 1/4 of Section 14; Diversion 2 (East Cow Creek) - 1,780 feet North and 1,190 feet East from the Southwest Corner of Section 25, being within the NW 1/4 SW 1/4 of Section 25, both being within Township 22 South, Range 32 1/2 East, WM, in the County of Harney.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 22 South	Range 32 1/2 East, WM	Section 23	SW 1/4	SE 1/4	<u>Diversion 1</u> 16.0 acres
			<u>Diversion 2</u>		
		Section 25	SW 1/4	SW 1/4	2.5 acres
			NW 1/4	SW 1/4	1.8 acres
			SE 1/4	SW 1/4	20.0 acres
			NE 1/4	SE 1/4	8.0 acres
			SW 1/4	SE 1/4	28.0 acres
		SE 1/4	SE 1/4	38.0 acres	<u>Diversion 1</u>
		Section 26	NE 1/4	NE 1/4	28.0 acres
			NW 1/4	NE 1/4	23.0 acres
			SW 1/4	NE 1/4	2.0 acres
			SE 1/4	NE 1/4	11.0 acres
			NE 1/4	SE 1/4	6.3 acres
		SE 1/4	SE 1/4	31.6 acres	

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 1/40 of one cubic foot per second per acre, from direct flow and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

SECRET

Actual construction work shall begin on or before May 19, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

Complete application of the water to the proposed use shall be made on or before October 1, 1985.

WITNESS my hand this 19th day of May, 1982.

/s/ JAMES E. SEXSON
WATER RESOURCES DIRECTOR

APPLICATION 59764

PERMIT 46500