



# STATE OF OREGON

County of MALHEUR

## PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 62946 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 The Owyhee, the Ontario-Nyssa, the Advancement, the Payette-Oregon Slope, the Bench and the Slide Irrigation Districts, which together comprise the North Board of Control of the Owyhee Project of P.O. Box 1565,\* for the PURPOSE of Development of 2,825 theoretical horsepower at the Mitchell Butte Lateral Hydroelectric Project,

that the PRIORITY OF THE RIGHT dates from October 7, 1981 for 95 cfs stored water; October 15, 1983 for 15 cfs stored water and September 9, 1987 for direct flow from Owyhee River,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 110 cubic feet per second.

The POINT OF DIVERSION is to be LOCATED: 2000 feet West from the East Quarter Corner of Section 20, being within the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 20, Township 22 South, Range 45 East, W.M., in the County of Malheur.

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

Township 21 South, Range 45 East, W.M., Section 1 NE1/4 SE1/4 Power Plant  
Township 21 South, Range 46 East, W.M., Section 6 NW1/4 SW1/4 Power Plant

\* Nyssa, Oregon 97913, phone 372-2268, for use of the waters of Owyhee Reservoir and the Owyhee River, a tributary of the Snake River,

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"CERTIFICATE NO. 75819

The right granted herein is expressly made inferior in right and subsequent in time to any appropriation of water from this source which may hereafter be made for domestic, municipal, irrigation or any other beneficial consumptive use, or for storage for such purposes; provided further that the project shall be constructed under the supervision of a registered professional engineer; provided further that the permittee shall comply with the provisions of the Order of the Water Resources Commission dated November 18, 1987 and by reference herein made a part of this permit; provided further that the permittee shall, during the operational lifetime of the project, perform or allow the Water Resources Department to perform any tests or studies required by the department to evaluate the effectiveness of measures for the protection of fish; provided further that this permit may not be assigned to any nonmunicipal entity so as to result in a loss of ownership of the permit by the North Board of Control; provided further that the holder of this permit must remain qualified as a municipal applicant under ORS 537.285 and 537.287. If the North Board of Control proposes to generate hydroelectric power jointly with a nonmunicipal entity, any agreement between the North Board of Control and the nonmunicipal entity or proposed changes to such agreement must be reviewed by the Water Resources Director to determine whether or not the permittee remains qualified as a municipal applicant.

Actual construction work shall begin on or before December 9, 1988, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 89.

Complete application of the water to the proposed use shall be made on or before October 1, 19 90.

Witness my hand this 9th day of December, 19 87.

/s/ WILLIAM H. YOUNG  
WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.