

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BERT PESCIALLO
ROUTE 2, BOX 59
MILTON-FREEWATER, OREGON 97862

503-938-7963

to use the waters of POWELL DITCH WASTE WATER, a tributary of WALLA WALLA RIVER, for SUPPLEMENTAL IRRIGATION OF 8.0 ACRES.

This Permit is issued approving Application 69869. The date of priority is JANUARY 30, 1989. The use is limited to not more than 0.2 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 SE 1/4, SECTION 34, T 6 N, R 35 E, W.M.; 640 FEET NORTH AND 15 FEET EAST FROM S 1/4 CORNER, SECTION 34.

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 ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of waste water.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this Permit is as follows:

NE 1/4 SW 1/4 4.8 ACRES
SE 1/4 SW 1/4 3.2 ACRES
SECTION 34
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

Actual construction work shall begin on or before AUGUST 13, 1991, and shall be completed on or before October 1, 1992. Complete application of the water to the use shall be made on or before October 1, 1993.

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.

"CERTIFICATE NO. 68686"

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 rights for maintaining instream flows.

Issued this date, AUGUST 13, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director