

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PETER W. SCHOENINGH, JR.
PO BOX 91
HAINES, OREGON 97833

503-856-3777

to use the waters of WARM SPRINGS CREEK, a tributary of POWDER RIVER, for PRIMARY IRRIGATION OF 3.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 80.0 ACRES.

This Permit is issued approving Application 70030. The date of priority is AUGUST 9, 1989. The use is limited to not more than 2.1 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW 1/4 NW 1/4, SECTION 4, T 7 S, R 39 E, W.M. AND SW 1/4 SW 1/4, SECTION 33, T 6 S, R 39 E, W.M.; POD 1 - 750 FEET SOUTH AND 320 FEET EAST; POD 2 - 50 FEET NORTH AND 620 FEET EAST, BOTH FROM SW CORNER, SECTION 33.

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 3.5 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.

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 the Permit is as follows:

PRIMARY

NW 1/4 NW 1/4 3.0 ACRES

SUPPLEMENTAL

NE 1/4 NW 1/4 37.0 ACRES

SW 1/4 NW 1/4 8.0 ACRES

SE 1/4 NW 1/4 15.0 ACRES

SECTION 33

SE 1/4 NW 1/4 20.0 ACRES

SECTION 34

TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

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

CERTIFICATE NO. 168070

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 granted 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