

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIM L. KERNS
ROUTE 1, BOX 30A
HAINES, OREGON 97833

503-856-3449

to use the waters of AN UNNAMED DRAINAGEWAY, a tributary of POWDER RIVER, for SUPPLEMENTAL IRRIGATION OF 58.7 ACRES.

This permit is issued approving Application 69193. The date of priority is JULY 13, 1987. The use is limited to not more than 0.89 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:

NE 1/4 NW 1/4, SECTION 19, T 8 S, R 39 E, W.M.; 600 FEET SOUTH AND 1900 FEET EAST FROM NW CORNER, SECTION 19.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year. This right is 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 this permit is as follows:

SW 1/4 SW 1/4 20.0 ACRES
SE 1/4 SW 1/4 18.7 ACRES
SECTION 18
NE 1/4 NW 1/4 7.1 ACRES
NW 1/4 NW 1/4 12.9 ACRES
SECTION 19
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

Actual construction work shall begin on or before February 3, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

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.

"CERTIFICATE NO. 76433"

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, FEBRUARY 3, 1992.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director