

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MALHEUR BASIN WATER USERS ASSOCIATION

P.O. Box 237

DREWSEY, OREGON 97904

503-493-2311

to use the waters of the Middle Fork Malheur River tributary to the Snake River, for irrigation of 721.0 acres.

This permit is issued approving Application 69433. The date of priority is July 1, 1991. The use is limited to not more than 9.01 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:

NE 1/4 SW 1/4, Section 11, Township 20 South, Range 34 East, WM; NE 1/4 SW 1/4, Section 23, and SW 1/4 NE 1/4, Section 25, Township 20 South, Range 35 East, WM.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 1.5 acre-feet for each acre. The use of water for irrigation under this permit is limited to the period of April and May of each year.

Operating measuring devices capable of measuring the rate of appropriation and measuring and recording total volume of water appropriated during the irrigation season shall be installed at all diversion points identified under this permit. Installation shall be completed under the supervision of the watermaster on a schedule to be established by the watermaster. Measuring devices shall meet the requirements of the Water Resources Department (Department). The Department shall consult with Oregon Department of Fish and Wildlife in establishing requirements for the measuring devices.

All diversions shall be in compliance with applicable laws requiring fish screening prior to any diversion under this permit.

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:

PAT O'TOOLE

NE 1/4 SE 1/4 7.9 ACRES

NW 1/4 SE 1/4 3.0 ACRES

SECTION 21

TOWNSHIP 20 SOUTH, RANGE 35 EAST, WM

ROTHA FRENCH

SW 1/4 SW 1/4 34.6 ACRES

SE 1/4 SW 1/4 27.8 ACRES

SW 1/4 SE 1/4 31.4 ACRES

SE 1/4 SE 1/4 40.0 ACRES

SECTION 24

TOWNSHIP 20 SOUTH, RANGE 35 EAST, WM

KEN ARNOLD

NE 1/4 SE 1/4 28.4 ACRES
SECTION 24
TOWNSHIP 20 SOUTH, RANGE 35 EAST, WM

NW 1/4 SW 1/4 35.0 ACRES
SW 1/4 SW 1/4 27.5 ACRES

SECTION 19

NW 1/4 NW 1/4 16.6 ACRES

SECTION 30

TOWNSHIP 20 SOUTH, RANGE 36 EAST, WM

CONLEY MARSHAL

SE 1/4 NE 1/4 6.1 ACRES

NW 1/4 SW 1/4 4.6 ACRES

SE 1/4 SW 1/4 1.7 ACRES

NE 1/4 SE 1/4 25.1 ACRES

NW 1/4 SE 1/4 20.3 ACRES

SW 1/4 SE 1/4 22.5 ACRES

SE 1/4 SE 1/4 1.4 ACRES

SECTION 22

NE 1/4 SW 1/4 1.8 ACRES

NW 1/4 SW 1/4 9.0 ACRES

SE 1/4 SW 1/4 23.2 ACRES

NE 1/4 SE 1/4 2.0 ACRES

NW 1/4 SE 1/4 6.0 ACRES

SW 1/4 SE 1/4 32.3 ACRES

SE 1/4 SE 1/4 2.0 ACRES

SECTION 23

NE 1/4 NE 1/4 40.0 ACRES

NW 1/4 NE 1/4 34.6 ACRES

NE 1/4 NW 1/4 6.6 ACRES

SECTION 26

TOWNSHIP 20 SOUTH, RANGE 36 EAST, WM

WRIGHT WILBER

SE 1/4 NE 1/4 19.0 ACRES

SW 1/4 NE 1/4 14.8 ACRES

NE 1/4 SE 1/4 14.4 ACRES

SE 1/4 SE 1/4 0.5 ACRE

SECTION 25

TOWNSHIP 20 SOUTH, RANGE 35 EAST, WM

SW 1/4 NW 1/4 26.0 ACRES

SE 1/4 NW 1/4 1.2 ACRES

NE 1/4 SW 1/4 28.8 ACRES

NW 1/4 SW 1/4 40.0 ACRES

SW 1/4 SW 1/4 32.0 ACRES

SE 1/4 SW 1/4 29.6 ACRES

SECTION 30

NE 1/4 NW 1/4 8.0 ACRES

NW 1/4 NW 1/4 1.3 ACRES

SECTION 31

TOWNSHIP 20 SOUTH, RANGE 36 EAST, WM

ELFREDA SWORD

NE 1/4 SE 1/4 2.0 ACRES

NW 1/4 SE 1/4 1.6 ACRES

SE 1/4 SE 1/4 0.4 ACRE

SECTION 23

TOWNSHIP 20 SOUTH, RANGE 36 EAST, WM

JIM FREEMAN

NE 1/4 SW 1/4	1.1 ACRES
SE 1/4 SW 1/4	0.5 ACRE
NW 1/4 SE 1/4	5.0 ACRES
SW 1/4 SE 1/4	3.4 ACRES

SECTION 23
TOWNSHIP 20 SOUTH, RANGE 36 EAST, WM

Actual construction work shall begin on or before August 28, 1996, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

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 of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

This permit is issued pursuant to the Final Order in the matter of protested Application 69433 in the name of Malheur Basin Water Users Association and Instream Water Right Applications 70325 and 70349 through 70352 in the name of the Oregon Department of Fish and Wildlife for use of water from the Middle Fork Malheur River and tributaries, Malheur County, Oregon, recorded in Volume 47, Pages 97 through 120, Special Order Records of the Water Resources Director.

Issued this date August 28, 1995.



Water Resources Department
Martha O. Pagel
Director