

STATE OF OREGON

COUNTY OF Baker

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

Fleming Loving Trust  
PO BOX 985  
BAKER CITY, OREGON 97814

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71109

SOURCE OF WATER: SECOND CREEK, A TRIBUTARY OF RUCKLES CREEK

PURPOSE OR USE: IRRIGATION OF 55.6 ACRES

MAXIMUM FLOW: 1.39 CUBIC FEET PER SECOND

Period of allowed use: When necessary for beneficial use in connection with the irrigation of the respective lands.

DATE OF PRIORITY: January 14, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 29, T9S, R42E, W.M.; 1050 FEET NORTH & 2150 FEET WEST FROM SE CORNER, SECTION 29

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 5.2 ACRES  
NE 1/4 SW 1/4 16.4 ACRES  
NW 1/4 SW 1/4 28.0 ACRES  
SW 1/4 SW 1/4 0.8 ACRE  
SE 1/4 SW 1/4 1.2 ACRES  
NW 1/4 SE 1/4 1.2 ACRES  
SW 1/4 SE 1/4 2.8 ACRES

SECTION 29

TOWNSHIP 9 SOUTH, RANGE 42 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

**STANDARD CONDITIONS**

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

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.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued November 6, 1995



Water Resources Department  
Martha O. Pagel  
Director

Bdd  
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