

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FOSTER RANCH
HCR 87, BOX 552
BAKER CITY, OREGON 97814

(541) 523-7091

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

APPLICATION FILE NUMBER: S-71443

SOURCE OF WATER: FOSTER RESERVOIRS 3 AND 4, CONSTRUCTED UNDER APPLICATION R-71442, PERMIT R-11864, TRIBUTARIES OF ELK CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 78.0 ACRES

MAXIMUM VOLUME ALLOWED: 30.0 ACRE-FEET (AF), BEING 1.0 AF FROM FOSTER RESERVOIR 3 AND 29.0 AF FROM FOSTER RESERVOIR 4

PERIOD OF USE: WHEN NECESSARY FOR BENEFICIAL USE IN CONNECTION WITH THE IRRIGATION OF THE RESPECTIVE LAND

DATE OF PRIORITY: MARCH 27, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, NW 1/4 SW 1/4, SECTION 6, TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.; RESERVOIR 3 - 3000 FEET SOUTH & 3000 FEET WEST; RESERVOIR 4 - 2670 FEET SOUTH & 5200 FEET WEST; BOTH FROM NORTHEAST CORNER, SECTION 6

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 NE 1/4	1.0	ACRE
SW 1/4 NW 1/4	9.0	ACRES
SE 1/4 NW 1/4	7.0	ACRES
NE 1/4 SW 1/4	32.0	ACRES
NW 1/4 SW 1/4	20.0	ACRES
SE 1/4 SW 1/4	3.0	ACRES
NW 1/4 SE 1/4	6.0	ACRES

SECTION 6

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

Application S-71443 Water Resources Department

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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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

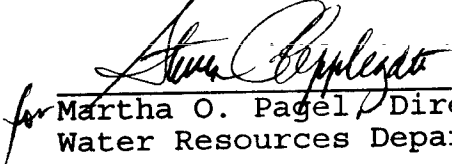
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 25, 1996


for Martha O. Pagel, Director
Water Resources Department