

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEWIS W. SMITH III
BEAVER CREEK RANCH
HCR 87, BOX 585
BAKER CITY, OREGON 97814

(541) 523-7500

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

APPLICATION FILE NUMBER: S-72318

SOURCE OF WATER: SPRINGS #2, #17, AND #18, TRIBUTARIES OF BEAVER CREEK;
SPRING #5, A TRIBUTARY OF POWDER RIVER

PURPOSE OR USE: LIVESTOCK USE

MAXIMUM FLOW ALLOWED: 0.036 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS
FROM SPRING #2, 0.007 FROM SPRING #5, 0.003 CFS FROM SPRING #17 AND
0.016 CFS FROM SPRING #18

PERIOD OF USE: YEAR-ROUND, FURTHER LIMITED DURING THE PERIOD JUNE 1
THROUGH SEPTEMBER 30 TO TIMES WHEN WATER FROM THE SPRINGS WOULD NOT
OTHERWISE CONTRIBUTE TO FLOWS IN THE POWDER RIVER

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4 SECTION 17, SW 1/4 SE 1/4
SECTION 19, T10S, R40E, W.M.; NE 1/4 SW 1/4 SECTION 4, T11S, R40E, W.M.;
SPRING #2 - 1100 FEET NORTH & 250 FEET WEST FROM THE SE CORNER OF SEC-
TION 17; SPRING #5 - 1000 FEET NORTH & 1900 FEET WEST FROM SE CORNER OF
SECTION 19; SPRING #17 - 2550 FEET NORTH & 1600 FEET EAST, SPRING #18 -
2550 FEET NORTH & 1635 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 4

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4
SECTION 17

SW 1/4 SE 1/4
SECTION 19
TOWNSHIP 10 SOUTH, RANGE 40 W.M.

NE 1/4 SW 1/4
SECTION 4
TOWNSHIP 11 SOUTH, RANGE 40 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

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.

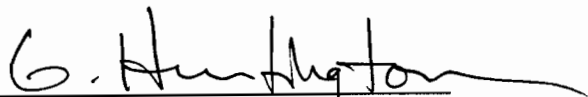
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 September 30, 1996



Martha O. Pagel, Director
Water Resources Department