

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DARYL R. ROBERTSON  
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(541) 742-7766

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

APPLICATION FILE NUMBER: S-72092

SOURCE OF WATER: CLEAR CREEK, HOLBROOK CREEK AND AN UNNAMED DRAINAGE DITCH

TRIBUTARIES OF: PINE CREEK

PURPOSE OR USE: PRIMARY IRRIGATION OF 35.0 ACRES (5.0 ACRES FROM HOLBROOK CREEK AND AN UNNAMED DRAINAGE DITCH AND 30.0 ACRES FROM CLEAR CREEK AND AN UNNAMED DRAINAGE DITCH) AND SUPPLEMENTAL IRRIGATION OF 125.0 ACRES FROM HOLBROOK CREEK AND AN UNNAMED DRAINAGE DITCH

MAXIMUM RATE/VOLUME ALLOWED: 4.0 CUBIC FEET PER SECOND (CFS), BEING 1.5 CFS FROM CLEAR CREEK, 1.5 CFS FROM HOLBROOK CREEK AND 1.0 CFS FROM AN UNNAMED DRAINAGE DITCH

PERIOD OF USE: APRIL, MAY AND JUNE OF EACH YEAR

DATE OF PRIORITY: DECEMBER 23, 1991

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4, SECTION 19, NW 1/4 NE 1/4, SW 1/4 NE 1/4, SECTION 31, TOWNSHIP 7 SOUTH, RANGE 46 EAST, W.M.; CLEAR CREEK - 9110 FEET NORTH & 4540 FEET EAST FROM NORTHWEST CORNER, SECTION 30; UNNAMED DRAINAGE DITCH - 250 FEET SOUTH & 3400 FEET EAST FROM NORTHWEST CORNER, SECTION 31; HOLBROOK CREEK - 1320 FEET SOUTH & 2640 FEET EAST FROM NORTHWEST CORNER, SECTION 31; HOLBROOK CREEK - 1320 FEET SOUTH & 2800 FEET EAST FROM NORTHWEST CORNER, SECTION 31; HOLBROOK CREEK - 2400 FEET SOUTH & 3400 FEET EAST FROM NORTHWEST CORNER, SECTION 31

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 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NE 1/4	26.0 ACRES	14.0 ACRES
SW 1/4 NE 1/4	4.0 ACRES	36.0 ACRES
NW 1/4 SE 1/4	5.0 ACRES	35.0 ACRES
SW 1/4 SE 1/4		40.0 ACRES

SECTION 31

TOWNSHIP 7 SOUTH, RANGE 46 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

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

The use of water shall be limited to the water available at the proposed point of diversion and shall not carry with it the right to compel the continuance of the waste water in the drain ditch.

The permittee may be required in the future to 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.

#### 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 August 14, 1996

  
for Martha O. Page, Director  
Water Resources Department

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