

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FREEMAN ANGUS RANCH, INC.
ROUTE 1, BOX 183A
BAKER CITY, OR 97814

(541)523-2279

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

APPLICATION FILE NUMBER: S-70320

SOURCE OF WATER: SPRING CREEK AND PINE CREEK, TRIBUTARIES OF POWDER RIVER

PURPOSE OR USE: IRRIGATION OF 11.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 38.5 ACRES

MAXIMUM RATE ALLOWED: 0.963 CUBIC FEET PER SECOND (CFS) TOTAL; NOT TO EXCEED 0.52 CFS FROM SPRING CREEK AND NOT TO EXCEED 0.71 CFS FROM PINE CREEK

PERIOD OF USE: WHEN NECESSARY FOR THE BENEFICIAL IRRIGATION OF THE LANDS, EXCEPT DURING THE MONTHS OF JULY, AUGUST AND SEPTEMBER

DATE OF PRIORITY: APRIL 26, 1990

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 26, NW 1/4 SE 1/4, SECTION 27, T8S, R39E, W.M.; PINE CREEK - 530 FEET SOUTH AND 765 FEET EAST FROM THE NW CORNER OF SECTION 26; SPRING CREEK - 50 FEET SOUTH AND 1135 FEET EAST FROM THE C 1/4 CORNER OF SECTION 27

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	10.0 ACRES	20.0 ACRES
SW 1/4 NW 1/4	1.0 ACRE	18.5 ACRES
SECTION 26		
TOWNSHIP 8 SOUTH, RANGE 39 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.

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 screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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.

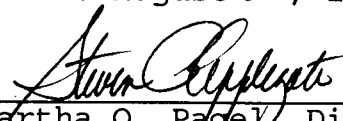
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 August 21, 1996

for 
Martha O. Pagel, Director
Water Resources Department