

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

J.V. MOON AND SON
P.O. BOX 875
BURNS, OREGON 97720

(541) 493-2393

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

APPLICATION FILE NUMBER: S-77041

SOURCE OF WATER: UPPER AND LOWER SIZEMORE SPRINGS, TRIBUTARIES OF HARNEY LAKE

PURPOSE OR USE: IRRIGATION OF 341.2 ACRES FROM UPPER SIZEMORE SPRING AND 291.9 ACRES FROM LOWER SIZEMORE SPRING

MAXIMUM RATE ALLOWED: 15.83 CUBIC FEET PER SECOND (CFS), BEING 8.53 CFS FROM UPPER SIZEMORE SPRING AND 7.30 FROM LOWER SIZEMORE SPRING

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 9, T27S, R29E, W.M.; NW 1/4 NW 1/4, SECTION 15, T27S, R29E, W.M.; UPPER SIZEMORE SPRING - 1574 FEET SOUTH & 6096 FEET WEST, LOWER SIZEMORE SPRING POD #1 - 3081 FEET SOUTH & 4384 FEET WEST, LOWER SIZEMORE SPRING POD #2 - 3139 FEET SOUTH & 4226 FEET WEST, LOWER SIZEMORE SPRING POD #3 - 3169 FEET SOUTH & 4180 FEET WEST, ALL FROM THE E 1/4 CORNER OF SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>UPPER SIZEMORE SPRING</u>	<u>LOWER SIZEMORE SPRING</u>
SW 1/4 SW 1/4	40.0 ACRES	
	SECTION 2	
SE 1/4 SE 1/4	7.8 ACRES	
	SECTION 3	

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UPPER SIZEMORE SPRINGLOWER SIZEMORE SPRING

NE 1/4 NE 1/4	40.0 ACRES	
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NW 1/4	40.0 ACRES	
NE 1/4 SW 1/4	13.4 ACRES	26.6 ACRES
SW 1/4 SW 1/4		37.1 ACRES
SE 1/4 SW 1/4		40.0 ACRES
NW 1/4 SE 1/4		40.0 ACRES
SW 1/4 SE 1/4		40.0 ACRES

SECTION 10

NW 1/4 NW 1/4	40.0 ACRES
SW 1/4 NW 1/4	40.0 ACRES

SECTION 11

NW 1/4 NE 1/4	40.0 ACRES
SW 1/4 NE 1/4	26.4 ACRES
NE 1/4 NW 1/4	29.6 ACRES
NW 1/4 NW 1/4	6.8 ACRES
SE 1/4 NW 1/4	5.4 ACRES

SECTION 15

TOWNSHIP 27 SOUTH, RANGE 29 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.

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.

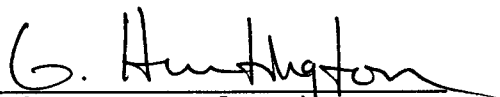
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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