

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILSON CATTLE COMPANY, INC.  
PO BOX 209  
NORTH POWDER, OREGON 97867

(541) 898-2288

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

APPLICATION FILE NUMBER: S-72051

SOURCE OF WATER: ANTHONY CREEK AND NORTH POWDER RIVER, TRIBUTARIES OF POWDER RIVER

PURPOSE OR USE: IRRIGATION OF 153.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 192.0 ACRES

RATE: 2.72 CUBIC FEET PER SECOND (CFS) FROM ANTHONY CREEK FOR SUPPLEMENTAL IRRIGATION, AND 3.82 CFS FROM NORTH POWDER RIVER FOR PRIMARY IRRIGATION

PERIOD OF ALLOWED USE: MARCH 1 THROUGH JUNE 30

DATE OF PRIORITY: NOVEMBER 25, 1991

POINTS OF DIVERSION LOCATIONS: NW 1/4 SW 1/4, SECTION 17, NW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 36, T6S, R38E, W.M.; NW 1/4 NW 1/4, SECTION 33, NW 1/4 SW 1/4, SECTION 36, T6S, R39E, W.M.; SMITH MCPHEE DITCH - 1500 FEET NORTH AND 500 FEET EAST FROM THE SW CORNER OF SECTION 32; MCPHEE DITCH - 1000 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 33; LONE PINE DITCH - 300 FEET SOUTH AND 100 FEET EAST FROM THE W 1/4 CORNER OF SECTION 17; SUNNYSLOPE DITCH - 2400 FEET NORTH AND 400 FEET EAST; KELSEY-WILSON DITCH - 1005 FEET NORTH AND 2575 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 36.

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 4.0 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>
SW 1/4 NW 1/4		1.0 ACRE
NW 1/4 SW 1/4		2.0 ACRES
SW 1/4 SW 1/4		8.0 ACRES
SECTION 29		

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	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4		20.0 ACRES
SE 1/4 NE 1/4		31.0 ACRES
NE 1/4 SE 1/4		36.0 ACRES
SE 1/4 SE 1/4		40.0 ACRES
SECTION 30		
NE 1/4 NE 1/4		40.0 ACRES
SECTION 31		
NE 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	39.0 ACRES	
NW 1/4 NW 1/4		14.0 ACRES
SECTION 32		
NW 1/4 NW 1/4	34.0 ACRES	
SECTION 33		

TOWNSHIP 6 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, 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.

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.

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.

The use may be restricted if the quality of the source stream, namely the Powder River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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## 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.

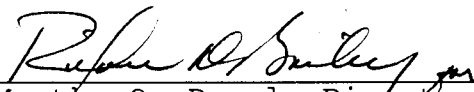
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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 December // , 1996

  
Martha O. Pagel, Director  
Water Resources Department