

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CHARLIE HOLTZ  
661 FOOTHILL ROAD  
ONTARIO, OR 97914

(541) 881-1766

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

APPLICATION FILE NUMBER: S-71071

SOURCE OF WATER: SNAKE RIVER, TRIBUTARY TO THE COLUMBIA RIVER

PURPOSE OR USE: IRRIGATION OF 59.2 ACRES, SUPPLEMENTAL IRRIGATION OF 60.0 ACRES AND STOCKWATER

RATE OF ALLOWED USE: 2.23 CUBIC FEET PER SECOND (CFS), BEING 1.48 CFS FOR PRIMARY IRRIGATION AND 0.75 CFS FOR SUPPLEMENTAL IRRIGATION (TO BRING UP TO FULL RATE & DUTY)

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 AND AS FURTHER LIMITED BELOW.

FOR THE PERIOD APRIL 10 THROUGH AUGUST 31, WATER USE UNDER THIS PERMIT IS LIMITED TO THOSE TIMES THAT FLOW AUGMENTATION TARGET FLOWS FOR THE SNAKE AND COLUMBIA RIVER MAINSTEM, AS SET BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES (NOAA FISHERIES), ARE BEING MET FOR SNAKE RIVER SOCKEYE, SNAKE RIVER FALL CHINOOK AND SNAKE RIVER SPRING/SUMMER CHINOOK. TARGET FLOWS SHALL BE CONSIDERED MET WHEN THE NATIONAL WEATHER SERVICE NORTHWEST RIVER FORECAST CENTER'S FLOW FORECAST AND TREND AT BROWNLEE DAM FOR THAT WEEK (ISSUED THE PREVIOUS WEEK) PROJECT THE FLOW AUGMENTATION TARGET FLOWS WILL BE MET. THE NATIONAL WEATHER SERVICE NORTHWEST RIVER FORECAST CENTER CURRENTLY POSTS ITS WEEKLY FLOW FORECAST AND TREND AT BROWNLEE DAM AT THE FOLLOWING WEB ADDRESS:<http://www.nwrfc.noaa.gov/river/station/flowplot/flowplot.cgi?BRN1> IN THE EVENT THE WEEKLY RIVER FORECAST AND TREND AT BROWNLEE DAM IS NO LONGER AVAILABLE AT THIS WEB ADDRESS, THE PERMITTEE MAY DETERMINE WHETHER THE TARGET FLOWS WILL BE MET BASED ON ANY OTHER SITE THAT PROVIDES INSTREAM FLOW INFORMATION UPSTREAM FROM THE POINT OF DIVERSION.

DATE OF PRIORITY: DECEMBER 27, 1990

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 9, TOWNSHIP 15 SOUTH, RANGE 45 EAST, W.M.; 196 FEET SOUTH & 2772 FEET EAST FROM NORTHWEST CORNER, SECTION 9

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 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>
SE 1/4 SW 1/4	6.0 ACRES	2.0 ACRES
NE 1/4 SE 1/4		8.0 ACRES
NW 1/4 SE 1/4	0.8 ACRE	
SW 1/4 SE 1/4	16.0 ACRES	20.0 ACRES
SE 1/4 SE 1/4	3.2 ACRES	30.0 ACRES

SECTION 32

TOWNSHIP 14 SOUTH, RANGE 45 EAST, W.M.

NE 1/4 NE 1/4 22.4 ACRES

NW 1/4 NE 1/4 10.8 ACRES

SECTION 5

TOWNSHIP 15 SOUTH, RANGE 45 EAST, W.M.

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.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter within 50 feet beyond the pump at the point of diversion from the Snake River. The totalizing flow meter must be installed and maintained in good working order and as identified in OAR 690-507-645.
- B. The permittee shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a record of water use under this permit for each irrigation season through the 2007 irrigation season. The record shall include the rate at which water was diverted, the period of time stated by the date and hours of water use, and the place of use irrigated under this permit.

- D. After the 2007 irrigation season, the permittee shall keep a record of water use as described in C above only for water use under this permit between April 10 and August 31 of each season.
- E. In addition to (C) and (D) above, when water use under this permit occurs between April 10 and August 31, the permittee shall keep documentary evidence of the National Weather Service Northwest River Forecast Center's flow forecast and trend at Brownlee dam from the week prior to water use (projection for the week water was used).
- F. The records kept by the permittee pursuant to conditions (C), (D) and (E) above shall be submitted to the watermaster and the Department's Salem office by December 1 of each year.

In the event of a request for a change in the point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the portion of the right perfected at the time of perfection of this right.

The permittee shall install, maintain and operate fish screening to prevent fish from entering the proposed diversion. The fish screen shall comply with 50 CFR 223.203 9(i)-(iii) of the *Endangered and Threatened Species; Final Rule Governing Take of 14 Threatened Salmon and Steelhead Evolutionary Significant Units* issued by the National Marine Fisheries Service (now NOAA Fisheries) on July 10, 2000. The required screens are to be in place, functional and approved in writing by the Oregon Department of Fish and Wildlife (ODFW) and NOAA Fisheries, or NOAA Fisheries designee, before diversion of any water.

The permittee shall allow ODFW and NOAA Fisheries, or NOAA Fisheries designee, access to the diversion facility for purposes of inspection and determination of compliance with the screening condition above.

#### 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. New regulations may require the use of best practical technologies or conservation practices to achieve beneficial use of water without waste.


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 time 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. Complete application of the water to the use shall be made on or before October 1, 2009. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a certified Water Rights Examiner.

Issued November 12, 2004

  
Phillip C. Ward, Acting Director  
Oregon Water Resources Department