

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

JASON WILLIAMS
 HAY INC.
 48857 HWY 30
 NORTH POWDER OR 97867

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86631

SOURCE OF WATER: PILCHER CREEK RESERVOIR, PERMIT R-8353, A TRIBUTARY OF
 NORTH POWDER RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION of 515.3 ACRES

MAXIMUM VOLUME: 300.0 ACRE FEET

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 29, 2006

	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
Point of Diversion	6 S	38 E	WM	16	NW SW	1700 FEET NORTH AND 1000 FEET EAST FROM SW CORNER, SECTION 16
Point of Re-diversion	6 S	39 E	WM	32	NW SW	1410 FEET NORTH AND 570 FEET EAST FROM SW CORNER, SECTION 32

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 and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	39 E	WM	34	NE NE	40.00
6 S	39 E	WM	34	NW NE	39.10
6 S	39 E	WM	34	SW NE	35.00
6 S	39 E	WM	34	SE NE	40.00
6 S	39 E	WM	34	NE SE	40.00
6 S	39 E	WM	34	NW SE	39.10
6 S	39 E	WM	34	SW SE	34.40
6 S	39 E	WM	34	SE SE	39.10
6 S	39 E	WM	35	NW NW	18.60
6 S	39 E	WM	35	SW NW	38.10
6 S	39 E	WM	35	SE NW	3.80
6 S	39 E	WM	35	NE SW	24.40
6 S	39 E	WM	35	NW SW	40.00
6 S	39 E	WM	35	SW SW	39.10

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	39 E	WM	35	SE SW	39.10
6 S	39 E	WM	35	SW SE	5.50

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The totalizing flow meter must be installed and maintained in good working order consistent with standards identified in OAR 690-507-645(1) through (3). The permittee 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; where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The use of water under this right is subject to the terms and conditions of Irrigation Contract for Pilcher Creek Reservoir Storage 83-08-118, or a satisfactory replacement, between Powder Valley Water Control District and the permittee, a copy of which is on file in the records of the Water Resources Department.

STANDARD CONDITIONS

- 1. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. 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.

6. Complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.
7. Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued NOVEMBER 16, 2006.

E. Timothy Wall
for

Phillip C. Ward, Director
Water Resources Department

