

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEPHEN E OLSON
PO BOX 715
HINES, OR 97738

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

APPLICATION FILE NUMBER: S-87508

SOURCE OF WATER: JOHNSON SPRING, TRIBUTARY TO SOUTH WARM SPRINGS CREEK

PURPOSE OR USE: IRRIGATION OF 273.9 ACRES

MAXIMUM RATE: 3.4 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 3, 2009

POINT OF DIVERSION LOCATION: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, T27S, R29E, W.M.;
1450 FEET SOUTH AND 1070 FEET WEST FROM NE CORNER, SECTION 6

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-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 36.3 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.0 ACRES
SECTION 6

TOWNSHIP 27 SOUTH, RANGE 29 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a suitable measuring device and headgate as approved by the Director at each point of diversion. The permittee shall maintain the measuring device and headgate in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded report 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.
- C. The permittee shall allow the watermaster access to the measuring device and headgate; provided however, where any measuring device or headgate is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

The permittee shall maintain low grade culverts and ditches in the area of the spring so that fish can move to and from ditches, and will not become isolated from upstream populations or killed when water dissipates.

STANDARD CONDITIONS

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.

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.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued March 21, 2013



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department