

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BRADLEY D. BENNETT & JAMES H. CONNELLY
P.O. BOX 216
BONANZA, OREGON 97623

Phone No. 541-545-6062

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

APPLICATION FILE NUMBER: G-12955

SOURCE OF WATER: A WELL IN THE LOST RIVER BASIN

PURPOSE OR USE: Primary and supplemental irrigation of 407.7 acres.

Rate of use: 4.46 CUBIC FEET PER SECOND

Period of allowed use: MARCH 1 THROUGH SEPTEMBER 30 OF EACH YEAR.

DATE OF PRIORITY: JUNE 4, 1992

POINT OF DIVERSION LOCATION: SE 1/4 NE 1/4 SECTION 4, T39S, R11E, W.M.; 1420 FEET SOUTH AND 1200 FEET WEST FROM THE NE CORNER OF SECTION 4, TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>LOCATION</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	36.6 ACRES	3.4 ACRES
SE 1/4 NE 1/4	3.7 ACRES	36.3 ACRES
NE 1/4 SE 1/4		31.3 ACRES
SE 1/4 SE 1/4		9.4 ACRES
SECTION 4		
NW 1/4 NW 1/4	39.8 ACRES	0.2 ACRES
SW 1/4 NW 1/4	11.4 ACRES	28.6 ACRES
NW 1/4 SW 1/4		39.7 ACRES
SW 1/4 SW 1/4		39.6 ACRES
SE 1/4 SW 1/4		38.7 ACRES
SECTION 3		

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NE 1/4 NW 1/4	38.6 ACRES
NW 1/4 NW 1/4	20.4 ACRES
SE 1/4 NW 1/4	30.0 ACRES

SECTION 10
TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

The lands described herein as supplemental irrigation may, due to the status of the inchoate underlying primary right, be exercised for primary irrigation, provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

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The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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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 by April 15, 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 well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and September of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and October 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

The 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

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.

Issued January 18, 1996



Water Resources Department
Martha O. Pagel
Director

Application G-12955
Basin 14
CCE

Water Resources Department
VOLUME 2 LOST RIVER & MISC.

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PERMIT ~~G-12235~~
District 17