

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF KLAMATH FALLS

PO BOX 237

KLAMATH FALLS, OREGON 97601

(503)883-5367

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

APPLICATION FILE NUMBER: G-12663

SOURCE OF WATER: WOCUS WELL WITHIN THE KLAMATH BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1500 GALLONS PER MINUTE, FURTHER LIMITED TO THE RATE ALLOWED UNDER KLAMATH BOARD OF COMMISSIONERS CONDITIONAL LAND USE PERMIT CUP 63-91 OR AS AMENDED

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 23, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 7, T 38 S, R 9 E, W.M.; 332 FEET NORTH AND 483 FEET EAST FROM THE S 1/4 CORNER SECTION 7

The amount of water used under this right, together with the amount secured under any other right existing for the same lands, is limited to a total diversion of 52.22 cubic feet per second - or - a lesser amount if delineated in the Water Management and Conservation Plan.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

ALL OF SECTION 36
SE 1/4 OF SECTION 25
SW 1/4 OF SECTION 25
NW 1/4 OF NW 1/4 OF SECTION 25
SW 1/4 OF NW 1/4 OF SECTION 25
SE 1/4 OF NW 1/4 OF SECTION 25
NE 1/4 OF SECTION 26
SE 1/4 OF SECTION 26
NW 1/4 OF SW 1/4 OF SECTION 26
NE 1/4 OF SW 1/4 OF SECTION 26
SE 1/4 OF SW 1/4 OF SECTION 26
NE 1/4 OF SECTION 35
NE 1/4 OF SE 1/4 OF SECTION 35
SE 1/4 OF SE 1/4 OF SECTION 36
NE 1/4 OF NW 1/4 OF SECTION 35
TOWNSHIP 38 SOUTH, RANGE 8 EAST W.M.

ALL OF SECTION 15
 ALL OF SECTION 19
 ALL OF SECTION 20
 ALL OF SECTION 27
 ALL OF SECTION 28
 ALL OF SECTION 29
 ALL OF SECTION 30
 ALL OF SECTION 31
 ALL OF SECTION 32
 ALL OF SECTION 33
 ALL OF SECTION 34
 ALL OF SECTION 35
 ALL OF SECTION 36
 SE 1/4 OF SECTION 17
 SW 1/4 OF SECTION 17
 SE 1/4 OF SECTION 18
 SW 1/4 OF SECTION 18
 SE 1/4 OF SECTION 21
 SW 1/4 OF SECTION 21
 NW 1/4 OF SECTION 22
 SW 1/4 OF SECTION 22

TOWNSHIP 38 SOUTH, RANGE 9 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 water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well, and on water levels in selected neighboring domestic wells within a one-mile radius of the permitted well. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the Department's approval. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well and in nearby wells. The plan shall stipulate a reference water level against which any water-level declines will be compared.

If a well measured under this plan displays a total static water-level decline of 25 feet or more over any period of years, as compared to the reference level, the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

If substantial interference with a senior water right occurs due to withdrawal of water from the well authorized under this permit, then use of water from the well shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The use of water under this right shall be in compliance with CUP 63-91, or as amended, issued by Klamath County, a copy of which must be on file in the records of the Water Resources Department.

By law, the land use associated with this water use must be in compliance with statewide land use goals and any acknowledged land use plan. The City of Klamath Falls shall adhere to the conditional use permit #63-91, or as amended, issued by Klamath County.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Within one year of permit issuance, the permittee shall finish or submit an amendment to their existing water management and conservation plan consistent with OAR Chapter 690, Division 86.

STANDARD CONDITIONS

The wells 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.

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

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.

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.

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.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1999. Complete application of the water to the use shall be made on or before October 1, 2000.

Issued March 26, 1997


Water Resources Department
Director