

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL P. KENNEY, BROTHERS WEST AQUACULTURE  
1980 BENSON AVE  
KLAMATH FALLS, OREGON 97601

(541) 608-7930

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

APPLICATION FILE NUMBER: G-14489

SOURCE OF WATER: A WELL IN THE LOST RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE (AQUACULTURE AND GEOTHERMAL HEATING)

MAXIMUM RATE: 0.89 CFS

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 2, 1997

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 34, T40S, R9E, W.M.;  
450 FEET SOUTH AND 310 FEET EAST FROM NE CORNER SECTION 34

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4  
SE 1/4 SE 1/4  
SECTION 27  
NE 1/4 NE 1/4  
SECTION 34

TOWNSHIP 40 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.
- 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.
- C. 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. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) 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.

This use of water is junior in priority to all subsequent rights for beneficial consumptive use and to those rights using standard low-temperature geothermal effluent disposal systems. This condition shall not apply if a standard disposal system is installed and operated as part of this project.

#### 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.


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.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued December 29, 1997



Martha O. Pagel, Director  
Water Resources Department

Application G-14489  
Basin 14  
RWK

Water Resources Department  
Volume 2 LOST R  
MGMT.CODES 7BG 7BR

PERMIT G-13285  
District 17