

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD A. SMITH
10166 E. LANGELL VALLEY ROAD
BONANZA, OREGON 97623

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

APPLICATION FILE NUMBER: G-12901

SOURCE OF WATER: A WELL, IN THE MILLER CREEK BASIN, WITHIN THE KLAMATH BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 170.7 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: MAY 4, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 16, T40S, R14E, W.M.; 1700 FEET SOUTH & 200 FEET EAST FROM NW CORNER, SECTION 17

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 (or its equivalent) and 2 ½ acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 12.0 ACRES
NW 1/4 SE 1/4 8.4 ACRES
SW 1/4 SE 1/4 11.4 ACRES
SECTION 8

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NW 1/4 NE 1/4 18.0 ACRES
SW 1/4 NE 1/4 28.0 ACRES
SE 1/4 NE 1/4 9.2 ACRES
NE 1/4 SE 1/4 34.4 ACRES
NW 1/4 SE 1/4 10.9 ACRES
SE 1/4 SE 1/4 38.4 ACRES

SECTION 17

TOWNSHIP 40 SOUTH, RANGE 14 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 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 wells 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 Commission indicating potential economical sources for an alternative longterm water supply;

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- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use as 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.

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

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.

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

The permittee/appropriator shall obtain a static water-level measurement for each well during March and October 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, registered professional engineer, or by the permittee/appropriator under the direction of the local water master. Water levels shall be reported as depth-to-water below ground in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The permittee/appropriator 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 November 15, respectively, of each year.

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.

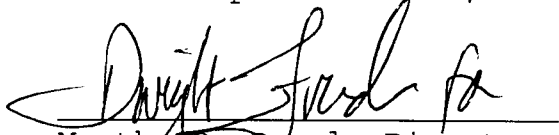
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 30, 1999


Martha O. Pagel, Director
Water Resources Department

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