

STATE OF OREGON

COUNTY OF Klamath

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PERRY WELKER
7508 STEENS DR
KLAMATH FALLS, OREGON 97601

(541) 882-7994

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

APPLICATION FILE NUMBER: G-15066

SOURCE OF WATER: THREE WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 400.0 ACRES, COMMERCIAL USE, AND POND FILLING & MAINTENANCE FOR MULTI-PURPOSE USE FOR RESERVOIRS CONSTRUCTED UNDER PERMITS R-13130, R-13131, R-13132, R-13133, R-13134, R-13135, R-13136, R-13137, R-13138, R-13139, R-13140, AND R-13141

MAXIMUM RATE: 6.46 CUBIC FEET PER SECOND (CFS), BEING 5.0 CFS FOR IRRIGATION OF 400.0 ACRES, 1.0 CFS FOR COMMERCIAL USE, AND 0.46 CFS TO FILL & MAINTAIN PONDS FOR MULTI-PURPOSE USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION, AND YEAR ROUND FOR COMMERCIAL USE AND FILLING & MAINTAINING PONDS FOR MULTI-PURPOSE USE

DATE OF PRIORITY: NOVEMBER 1, 1999

WELL LOCATIONS:

WELL #1: NE 1/4 NE 1/4, SECTION 7, T39S, R9E, W.M.; 334 FEET SOUTH & 180 FEET WEST,

WELL #2: SE 1/4 SE 1/4, SECTION 6, T39S, R9E, W.M.; 1166 FEET NORTH & 290 FEET WEST,

WELL #3: SE 1/4 NE 1/4, SECTION 6, T39S, R9E, W.M.; 3754 FEET NORTH & 328 FEET WEST,

ALL FROM THE SE CORNER OF SECTION 6, T39S, R9E, W.M.

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 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION

SW 1/4 NE 1/4 40.0 ACRES
SE 1/4 NE 1/4 40.0 ACRES

SE 1/4 NW 1/4 40.0 ACRES
 NE 1/4 SW 1/4 40.0 ACRES
 NE 1/4 SE 1/4 40.0 ACRES
 NW 1/4 SE 1/4 40.0 ACRES
 SW 1/4 SE 1/4 40.0 ACRES
 SE 1/4 SE 1/4 40.0 ACRES
 SECTION 6

NE 1/4 NE 1/4 40.0 ACRES
 NW 1/4 NE 1/4 40.0 ACRES
 SECTION 7

TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

COMMERCIAL USE:

NE 1/4 SE 1/4
 SE 1/4 SE 1/4
 SECTION 6

TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

FILL & MAINTAIN PONDS FOR MULTI-PURPOSE USE:

SE 1/4 NE 1/4
 SE 1/4 NW 1/4
 NW 1/4 SE 1/4
 SE 1/4 SE 1/4
 SECTION 6

TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

NE 1/4 NE 1/4
 SECTION 7

TOWNSHIP 39 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.

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.

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.

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(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then 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.

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.

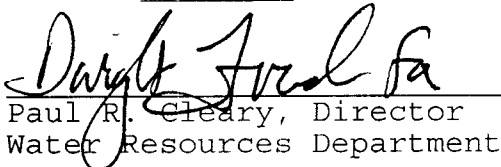
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 Feb 15, 2002


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.