

STATE OF OREGON

COUNTY OF KLAMATH

EMERGENCY USE PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CARLTON FARMS  
PO BOX 362  
MERRILL, OREGON 97633

PHONE: (541) 798-5031

to use the waters of A WELL in the KLAMATH RIVER BASIN for  
SUPPLEMENTAL IRRIGATION OF 1080.9 ACRES.

This permit is issued approving Application G-15963. The date of filing is March 26, 2003. The use is limited to not more than 13.51 CUBIC FEET PER SECOND, or it's equivalent in case of rotation, measured at the well.

This permit expires on October 31, 2003 or when the Governor's March 27, 2001, declaration of drought emergency for Klamath County is terminated, whichever comes first.

The permittee assumes all liability associated with use of water under the permit in the event claims of injury or claims for compensation are filed.

If injury to existing rights or detriment to the public interest is observed, the Department may regulate water use under this permit to mitigate such injury or detriment, or cancel this permit if mitigation is not possible.

The period of use shall be: APRIL 30, 2003 THROUGH OCTOBER 31, 2003

The well is located as follows:

NE 1/4 NW 1/4, SECTION 36; 100 FEET SOUTH & 2560 FEET EAST FROM  
THE NW CORNER OF SECTION 36, TOWNSHIP 40 SOUTH, RANGE 10 EAST,  
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.

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

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4            32.0 ACRES  
SECTION 35

NE 1/4 NW 1/4           36.1 ACRES  
NW 1/4 NW 1/4           33.9 ACRES  
SW 1/4 NW 1/4           33.1 ACRES  
SE 1/4 NW 1/4           38.9 ACRES  
NE 1/4 SW 1/4           38.0 ACRES  
NW 1/4 SW 1/4           38.0 ACRES  
SW 1/4 SW 1/4           36.6 ACRES  
SE 1/4 SW 1/4           34.7 ACRES

SECTION 36

TOWNSHIP 40 SOUTH, RANGE 10 EAST, W.M.

NE 1/4 NE 1/4           41.5 ACRES  
NW 1/4 NE 1/4           41.0 ACRES  
SW 1/4 NE 1/4           37.2 ACRES  
SE 1/4 NE 1/4           40.8 ACRES  
NE 1/4 SW 1/4           40.0 ACRES  
NW 1/4 SW 1/4           34.2 ACRES  
NE 1/4 SE 1/4           37.0 ACRES  
NW 1/4 SE 1/4           39.0 ACRES

SECTION 1

TOWNSHIP 41 SOUTH, RANGE 10 EAST, W.M.

SW 1/4 NW 1/4           7.0 ACRES  
SE 1/4 NW 1/4           1.4 ACRES  
NE 1/4 SW 1/4           34.7 ACRES  
NW 1/4 SW 1/4           40.0 ACRES  
SW 1/4 SW 1/4           39.1 ACRES  
SE 1/4 SW 1/4           36.6 ACRES  
NW 1/4 SE 1/4           8.9 ACRES  
SW 1/4 SE 1/4           37.2 ACRES

SECTION 31

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

**SEE NEXT PAGE**

NW 1/4 SE 1/4	36.5 ACRES
SE 1/4 NE 1/4	3.0 ACRES
NE 1/4 NW 1/4	39.7 ACRES
NW 1/4 NW 1/4	39.8 ACRES
SW 1/4 NW 1/4	40.0 ACRES
SE 1/4 NW 1/4	40.0 ACRES
NE 1/4 SW 1/4	38.9 ACRES

## SECTION 6

NE 1/4 NW 1/4	6.1 ACRES
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## SECTION 7

TOWNSHIP 41 SOUTH, RANGE 11 E, W.M.

The above description is a close approximation of the permitted place of use. The actual permitted place of use is the area shown on the application map already having valid water rights.

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. 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.

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.

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.

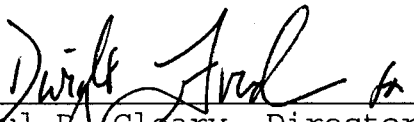
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect property not under the ownership of the permit holder.

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 April 30, 2003

  
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Paul E. Cleary, Director  
Water Resources Department

Note: The permittee is encouraged to use the most efficient water delivery and application methods available. If an emergency use application is filed for any or all of this property for the 2002 irrigation season, the Director may require the applicant to submit a plan and evidence showing conservation and water use curtailment measures have been taken before use is made of an emergency use permit. Information regarding efficient water use has been enclosed with this permit.

Issuance of this permit does not confirm the validity of any underlying right or claim.