

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WOOD RIVER DISTRICT IMPROVEMENT CO
PO BOX 503
FORT KLAMATH, OREGON 97626

(541) 381-2235

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

APPLICATION FILE NUMBER: G-15834

SOURCE OF WATER: FIVE WELLS IN ANNA CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 2310.1 ACRES

MAXIMUM RATE: 28.88 CUBIC FEET PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 1

DATE OF PRIORITY: SEPTEMBER 5, 2002

WELL LOCATIONS:

WELL 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T33S, R7.5E, W.M.; 1900 FEET SOUTH & 270 FEET EAST FROM NE CORNER, SECTION 16

WELL 1A: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 9, T33S, R7.5E, W.M.; 700 FEET NORTH & 600 FEET WEST FROM NE CORNER, SECTION 16

WELL 2: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T33S, R7.5E, W.M.; 1700 FEET SOUTH & 2800 FEET WEST FROM NE CORNER, SECTION 16

WELL 3: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 16, T33S, R7.5E, W.M.; 2450 FEET SOUTH & 3760 FEET WEST FROM NE CORNER, SECTION 16

WELL 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T33S, R7.5E, W.M.; 200 FEET SOUTH & 200 FEET WEST FROM NE CORNER, SECTION 20

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

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THIS RIGHT IS SUPPLEMENTAL TO THE FOLLOWING PRIMARY WATER RIGHTS:
 Certificate 1085; Certificate 1097; Certificate 1100; Certificate
 1104; Certificate 1107; Certificate 1109; Certificate 1111;
 Certificate 1113; Certificate 10915; Certificate 76151;
 Certificate 76152; Certificate 76310; Certificate 76312

THE PLACE OF USE IS LOCATED AS FOLLOWS:

LOT 13 SE ¼ SE ¼ 2.6 ACRES
 SECTION 9

LOT 20 SW ¼ SW ¼ 7.5 ACRES
 SW ¼ SW ¼ 33.0 ACRES
 SE ¼ SW ¼ 10.1 ACRES
 SECTION 10

LOT 10 NE ¼ NW ¼ 22.7 ACRES
 LOT 11 NW ¼ NW ¼ 40.0 ACRES
 LOT 12 SW ¼ NW ¼ 33.8 ACRES
 LOT 13 SE ¼ NW ¼ 1.1 ACRES
 SECTION 15

LOT 5 NE ¼ NE ¼ 34.8 ACRES
 LOT 1 NW ¼ NE ¼ 18.5 ACRES
 LOT 2 SW ¼ NE ¼ 48.5 ACRES
 LOT 6 SE ¼ NE ¼ 31.8 ACRES
 SW ¼ NW ¼ 0.1 ACRE
 SE ¼ NW ¼ 17.0 ACRES
 NE ¼ SW ¼ 40.4 ACRES
 NW ¼ SW ¼ 33.2 ACRES
 SW ¼ SW ¼ 38.4 ACRES
 SE ¼ SW ¼ 38.4 ACRES
 LOT 7 NE ¼ SE ¼ 12.0 ACRES
 LOT 3 NE ¼ SE ¼ 20.4 ACRES
 NW ¼ SE ¼ 40.8 ACRES
 SW ¼ SE ¼ 37.8 ACRES
 LOT 4 SE ¼ SE ¼ 26.4 ACRES
 SECTION 16

 NE ¼ SE ¼ 14.3 ACRES
 SE ¼ SE ¼ 23.7 ACRES
 SECTION 17

 NE ¼ NE ¼ 39.3 ACRES
 NW ¼ NE ¼ 39.3 ACRES
 SW ¼ NE ¼ 40.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SECTION 20

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.5 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 26.8 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.6 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SECTION 21

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SECTION 29

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SECTION 30

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.9 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.1 ACRES

SE ¼ NW ¼ 37.8 ACRES
NW ¼ SW ¼ 28.4 ACRES
SW ¼ SW ¼ 29.1 ACRES

SECTION 32

TOWNSHIP 33 SOUTH, RANGE 7.5 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 on each well. The permittee shall maintain the meter(s) or measuring device(s) 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(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is located within a private structure, the watermaster shall request access upon reasonable notice.

The total use of water under this permit together with use of water under permit G-12947, or any subsequently issued certificate(s), shall not exceed the maximum rate and duty provided in this permit.

This supplemental water right shall be used in conjunction with the identified primary water rights, in accordance with all applicable laws and requirements. Under current law, lawful use of this type of supplemental water right would not include the situation in which a water right holder would voluntarily forbear use of available surface water under the primary right, and then attempt to make use of the supplemental water right without first obtaining approval for a substitution under ORS 540.524.

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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and

- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee'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 more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) shall be continuously cased and continuously sealed to a minimum of five (5) feet into the top of a confining bed that overlies a regionally confined aquifer. The confining bed must consist of low-permeability material such as basalt, or a clay bed of sufficient thickness to satisfy the Department that it is a confining layer. The Department anticipates that a regionally confined aquifer is likely developed in Tertiary basalt rocks at depth of 400 feet or more below land surface at the proposed well site. If during well construction, it becomes apparent that the well(s) can be constructed in a manner other than specified in the permit, to eliminate hydraulic connection with surface water that is the source of the primary water rights and to other surface water resources that are not available for appropriation, the permittee can contact a Department Hydrogeologist or the Ground Water/Hydrology Section Manager to request a modification of this well construction requirement. To request such approval, the permittee shall submit, in writing, a rough well log and a proposed construction design for each well

for approval by the Department. The request must be received reviewed and approved in writing prior to placement of any permanent casing and sealing material in respect to that well. If any well is constructed first and then the request made, it shall not be granted. The depth of casing and seal for each well will be incorporated into the permit and any certificate issued for this permit.

STANDARD CONDITIONS

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.

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.

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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, 2008. 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 August 16, 2004


Phillip C. Ward, Acting Director
Water Resources Department

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the

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excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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