

STATE OF OREGON
COUNTY OF KLAMATH
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL AND DIANE TYRHOLM
3703 COLLIER LANE
KLAMATH FALLS, OR 97603

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11967 and approved by Special Order Vol. 96, Page ~~200-202~~, entered JUN 15 2015, and to describe an extension of time for complete application of water approved November 7, 2014, an assignment to a new permittee approved August 8, 2006 and a correction in the measured distance location of the original point of appropriation. This permit supersedes Permit G-13743.

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

APPLICATION FILE NUMBER: G-12901

SOURCE OF WATER: WELLS, 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:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	14 E	WM	16	SW NW	WELL 1 - 1700 FEET SOUTH AND 200 FEET EAST FROM THE NE CORNER OF SECTION 17
40 S	14 E	WM	9	SW SW	WELL 2 - 880 FEET NORTH AND 25 FEET EAST FROM THE SW CORNER OF SECTION 9

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:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	14 E	WM	8	NE SW	12.0
40 S	14 E	WM	8	NW SE	8.4
40 S	14 E	WM	8	SW SE	11.4
40 S	14 E	WM	17	NW NE	18.0
40 S	14 E	WM	17	SW NE	28.0
40 S	14 E	WM	17	SE NE	9.2
40 S	14 E	WM	17	NE SE	34.4
40 S	14 E	WM	17	NW SE	10.9
40 S	14 E	WM	17	SE SE	38.4

Permit Amendment T-11967 Conditions:

1. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing) or at each new point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. 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 wells 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.
4. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.
5. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
6. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

7. The proposed additional point of appropriation well shall obtain groundwater solely from the predominantly volcanic-basalt unit beneath the predominantly basin-fill unit by having continuous casing and continuous seal from land surface completely through the predominantly basin-fill unit and into the predominantly volcanic-basalt unit below the predominantly basin-fill unit.
8. Water shall be acquired from the same aquifer as the original point of appropriation.

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018. A form is enclosed with this Final Order.**

- a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Original Permit Conditions:

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 long term water supply;
- 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.

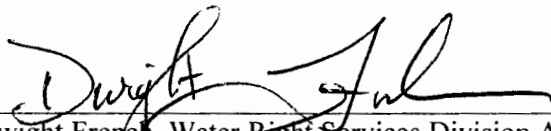
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 2019. 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 June 15, 2015



Dwight French, Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department