

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HENRY C G CHEYNE  
9961 E LANGELL VLY RD  
BONANZA OR 97623

**This permit expires on September 1, 2015, or when the Governor's April 6, 2015 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 specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-18085

SOURCE OF WATER: SMITH WELL (KLAM 10364) IN LOST RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 147.0 ACRES

MAXIMUM RATE: 2.45 CUBIC FEET PER SECOND

PERIOD OF USE: PERMIT ISSUANCE THROUGH SEPTEMBER 1

DATE OF PRIORITY: MAY 18, 2015

WELL LOCATION: NE ¼ NE ¼, SECTION 2, T40S, R13E, W.M.; 40 FEET SOUTH AND 275 FEET WEST FROM NE CORNER, SECTION 2

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 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-SIXTIETH of one cubic foot per second and

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 37.0 ACRES  
SW ¼ NE ¼ 36.0 ACRES  
NE ¼ NW ¼ 38.0 ACRES  
SE ¼ NW ¼ 36.0 ACRES

SECTION 1

TOWNSHIP 40 SOUTH, RANGE 13 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. The permittee 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 by November 15, 2015. 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Prior to use, the well(s) shall be configured to allow strictly clean water (no oil) static water level measurements with an electric-tape. That can include measurement access via an unobstructed vertical discharge pipe that allows the groundwater level to fluctuate freely within the discharge pipe (no valves, etc.). Otherwise, a dedicated measuring tube must be installed prior to use. The tube must be unobstructed, have a diameter of 3/4 inch (0.75 inch) or greater, and pursuant to figure 200-5 in OAR 690-200.

The static ground water level at the well(s) must be measured to the nearest 0.10 foot (one-inch), recorded and reported to the Department within 7 days prior to groundwater production under this permit, and subsequently measured to the nearest 0.10 foot (one-inch), recorded and reported to the Department at the end of groundwater production. The last measurement must be reported to the Department by November 15, 2015.

Groundwater pumping under this permit shall discontinue or be reduced if Lorella sub-area wells with permanent primary and/or supplemental groundwater rights are being regulated off due to groundwater level decline or interference with senior water rights unless the Department determines no action is necessary (pumping under this permit can continue) because the groundwater resource can sustain continued groundwater pumping under this permit without adversely impacting the resource or without causing substantial interference with senior water rights.

Within one month from the start of use of 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.

#### **STANDARD CONDITIONS**

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.

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.

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 well(s) 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.

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.

Issued June 10, 2015

*E. Timothy Wall*

for Thomas M. Byler, Director

*Note: 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.*

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