

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EDWIN J. STASTNY, JR.
32121 HWY 50
MALIN, OREGON 97632

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11999 and approved by Special Order Vol. 103, Page 392, entered November 7th, 2016, and to describe an extension of time for complete application of water approved July 15, 2016. This permit supersedes Permit G-12464.

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13214

SOURCE OF WATER: 2 WELLS IN THE LOST RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 420.7 ACRES.

RATE OF USE: 5.26 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 15 OF EACH YEAR.

DATE OF PRIORITY: DECEMBER 14, 1992

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	12 E	WM	12	SE SE	MICKA WELL - 1215 FEET NORTH AND 30 FEET WEST FROM THE SE CORNER OF SECTION 12
41 S	12 E	WM	13	SE NE	HOMESTEAD WELL - 2600 FEET SOUTH AND 1200 FEET WEST FROM NE CORNER OF SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	12 E	WM	12	SW SE	39.10
41 S	12 E	WM	12	SE SE	21.20
41 S	12 E	WM	13	NE NE	12.90
41 S	12 E	WM	13	NW NE	40.00

Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	12 E	WM	13	SW NE	40.00
41 S	12 E	WM	13	SE NE	13.90
41 S	12 E	WM	13	NE SE	14.60
41 S	12 E	WM	13	NW SE	34.70
41 S	12 E	WM	13	SW SE	37.40
41 S	12 E	WM	24	NW NE	40.00
41 S	12 E	WM	24	SW NE	34.80
41 S	12 E	WM	24	SE NE	38.20
41 S	12 E	WM	24	NE SW	7.90
41 S	12 E	WM	24	NE SE	22.30
41 S	12 E	WM	24	NW SE	23.70

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 water under this permit 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 Department 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 and 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.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Permit Amendment T-11999 Conditions

- A. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

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.
- 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.

Water shall be acquired from the same aquifer as the original points of appropriation.

- B. The additional point of appropriation well shall be constructed to obtain groundwater only from the predominantly basalt/volcanics unit below the predominately basin-fill unit by having continuous casing and continuous seal from land surface completely through the predominantly basin-fill unit into the predominantly basalt/volcanics unit.

Extension of Time Conditions:

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020**.

- 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.

Existing 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 by April 15, 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.

STANDARD CONDITIONS

The well 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.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and September 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 or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user 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 October 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

The permit is for the beneficial use of water without waste.

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

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

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.

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.

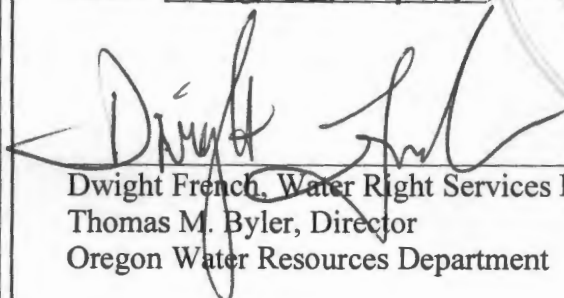
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction was to begin on or before January 18, 1997 when the permit was originally issued on July 31, 1996. Complete application of the water to the use was to be made on or before October 1, 2000. By extension of time final order dated July 15, 2016, the completion of application of water was extended to on or before October 1, 2021.

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.

This permit is issued to correctly describe the dates for measuring and reporting static water level, beginning and completion of construction, complete application of the water to the use allowed herein, and water use conditions relating to practical technologies or conservation practices. Permit G-12243 is superseded by this instrument and is of no further force or effect.

Issued November 7th, 2016



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

