

STATE OF OREGON
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID KRUEGER
35000 SPRAGUE RIVER ROAD
SPRAGUE RIVER, OR 97639

This superseding permit is issued to describe an application for an amendment for a change in point of appropriation, an additional point of appropriation and a change in place of use under Permit Amendment Applications T-10970 and T-11029, and approved by Special Order Volume 83, Page 81, entered on November 18, 2010; to describe two extensions of time for completion of construction and to complete application of water approved July 14, 2009, and September 12, 2014; an assignment of Permit G-12527 approved August 6, 2008; an assignment of a portion of Permit G-12527 approved April 8, 2010; assignments of Permit G-12527 approved October 5, 2012, and July 10, 2014; and for partial assignment under Application T-12453 approved by Special Order Volume 103, Page 546, entered on DEC 05 2016, 2016;. This permit, together with Permit G-17702, supersedes Permit G-12527.

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

APPLICATION FILE NUMBER: G-12871

SOURCE OF WATER: ONE WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

RATE OF USE: 0.50 CUBIC FOOT PER SECOND (CFS)

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

AUTHORIZED POINT OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE SW	WELL 5 (KLAM 2078): 50 FEET SOUTH AND 2750 FEET WEST FROM THE E1/4 OF SECTION 22

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	22	NW SW	20.00
36 S	12 E	WM	22	SW SW	20.00
Total:					40.00

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 of each year.

July 14, 2009 Extension Conditions:Annual Measurement Condition

The Department requires the water user to measure and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter until the Department determines the measurements are no longer needed. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- a. Associate each measurement with an owner's well name or number and a Department well log ID; and
- b. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- c. Specify the method of measurement; and
- d. Certify the accuracy of all measurements and calculations submitted to the Department.

September 12, 2014 Extension Condition:

This is the last extension to be granted for Permit G-12527.

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.

Limited Water Level Decline/Interference Condition

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 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. 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.

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.

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.

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.

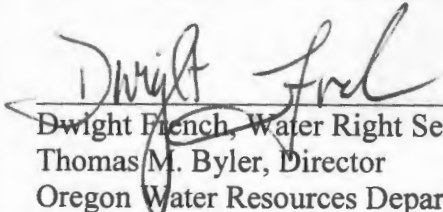
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

The original permit was issued July 24, 1996. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final Order dated September 12, 2014, the deadline for completing construction and to apply water to full beneficial use within the terms and conditions of the permit was extended to October 1, 2017.

Issued DEC 05 2016, 2016


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

Application G-12871/T-12453.tlf.sah
Basin 14

Water Resources Department
Volume 2A Sprague River (Also Misc.)
MGMT.CODE 7BG, 7BR, 7DG, 7DR, 7JG, 7JR

PERMIT G-17703
District 17