

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DROST LAND CO. LLC  
24624 SCHAUPP ROAD  
KLAMATH FALLS, OR 97603

This superseding permit is issued to describe an amendment for a change in point of appropriation, additional points of appropriation and a change in place of use proposed under Permit Amendment Application T-13237 and approved by Special Order Vol. 121, Page 052 entered SEP 22 2021 and to describe extensions of time for complete application of water approved August 7, 2015 and March 5, 2021, and assignments to new permittees approved March 24, 2014 and April 11, 2014. This permit supersedes Permit G-13005.

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

APPLICATION FILE NUMBER: G-13706

SOURCE OF WATER: FOUR WELLS IN THE LOST RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 26.58 ACRES AND SUPPLEMENTAL IRRIGATION OF 189.62 ACRES

MAXIMUM RATE AND USE: 2.68 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 7, 1994

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Glott	Measured Distances
40 S	11 E	WM	2	SW SW		POA - 585 FEET NORTH AND 25 FEET EAST FROM THE SW CORNER OF SECTION 2
40 S	11 E	WM	2	SW SW		WELL #1 - 480 FEET NORTH AND 485 FEET EAST FROM THE SW CORNER OF SECTION 2
40 S	11 E	WM	3	NE NW	19	WELL #2 - 3960.4 FEET NORTH AND 2646.5 FEET WEST FROM THE SW CORNER OF SECTION 2
40 S	11 E	WM	3	NE NW	19	WELL #3 - 5328.9 FEET NORTH AND 2695 FEET WEST FROM THE SW CORNER OF SECTION 2
40 S	11 E	WM	3	NE SW		WELL #4 - 2550.5 FEET NORTH AND 2805 FEET WEST FROM THE SW CORNER OF SECTION 2

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POA
40 S	11 E	WM	2	SW SW	15.0	Well #1
40 S	11 E	WM	11	NW NW	11.0	Well #1
40 S	11 E	WM	11	NW NW	0.58	POA
Total					26.58	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POA
40 S	11 E	WM	2	SW NW	8.36	Well #2, #3, & #4
40 S	11 E	WM	2	SE NW	9.72	Well #2, #3, & #4
40 S	11 E	WM	2	NE SW	39.49	Well #2, #3, & #4
40 S	11 E	WM	2	NW SW	35.20	Well #2, #3, & #4
40 S	11 E	WM	2	SW SW	23.55	Well #2, #3, & #4
40 S	11 E	WM	2	SE SW	24.06	Well #2, #3, & #4
40 S	11 E	WM	3	NE SE	21.22	Well #2, #3, & #4
40 S	11 E	WM	3	NW SE	0.78	Well #2, #3, & #4
40 S	11 E	WM	3	SW SE	0.15	Well #2, #3, & #4
40 S	11 E	WM	3	SE SE	24.9	Well #2, #3, & #4
40 S	11 E	WM	11	NE NW	1.26	POA
40 S	11 E	WM	11	NW NW	0.93	POA
Total					189.62	

Permit Amendment T-13237 Conditions:

The quantity of water diverted at the new point of appropriation (POA), shall not exceed the quantity of water lawfully available at the original point (POA) of appropriation.

The combined quantity of water diverted at the new points of appropriation (WELL #2, WELL #3, WELL #4), together with that diverted at the old point of appropriation (POA), shall not exceed the quantity of water lawfully available at the original point of appropriation.

Water use measurement conditions:

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).

- a. The water user shall maintain the meters or measuring devices in good working order.
- b. 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.
- c. Water shall be acquired from the same aquifer as the original point of appropriation.

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

The former place of use shall no longer be irrigated as part of this permit.

Original Permit Conditions:

Measurement devices, and recording/reporting of annual water use 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.

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.

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

**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.

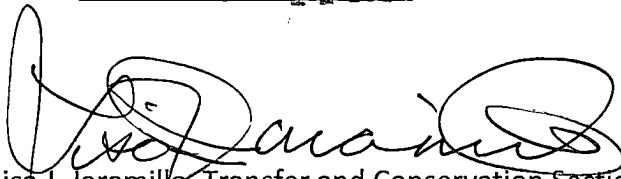
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 November 27, 1996. Actual construction of the well was to begin within one year-from permit issuance and was to be completed on or before October 1, 1998. Complete application of the water to the use was to be made on or before October 1, 1999. By Extension of Time Final Order dated March 5, 2021, the deadline for completing construction and complete application of water was extended to October 1, 2021.

Issued SEP 22 2021

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department