

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TERRY BENGARD PROPERTIES
20250 LAKE CALIFORNIA DR
COTTONWOOD CA 96022

BENGARD LOST RIVER RANCH
25400 NORTH POE VALLEY RD
KLAMATH FALLS OR 97603

This permit expires on October 31, 2021, or when the Governor's March 31, 2021 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.

Use of water is subject to prior water right permits, certificates and scenic waterway flows.

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

APPLICATION FILE NUMBER: G-19086

SOURCE OF WATER: WELL 1 (KLAM 10292) AND WELL 2 (KLAM 53779) IN LOST RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 730.6 ACRES

MAXIMUM RATE: 9.0 CUBIC FEET PER SECOND

PERIOD OF USE: PERMIT ISSUANCE THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 8, 2021

AUTHORIZED POINT OF APPROPRIATION:

| POA Name | Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|----------|------|--------|-----|-----|-------|---|
| WELL 1 | 39 S | 11.5 E | WM | 26 | NW SE | 139 FEET SOUTH AND 221 FEET WEST FROM NW CORNER, NESE, SECTION 26 |
| WELL 2 | 39 S | 11.5 E | WM | 22 | SW SE | 481 FEET SOUTH AND 520 FEET WEST FROM NW CORNER, SESE, SECTION 22 |

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 groundwater 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. The amount of groundwater under this right is further limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

AUTHORIZED PLACE OF USE:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|--------|-----|-----|-------|-------|
| 39 S | 11.5 E | WM | 27 | SW NW | 1.80 |
| 39 S | 11.5 E | WM | 27 | NW SW | 38.00 |
| 39 S | 11.5 E | WM | 27 | SW SW | 39.00 |
| 39 S | 11.5 E | WM | 28 | SW NE | 40.00 |
| 39 S | 11.5 E | WM | 28 | SE NE | 35.00 |
| 39 S | 11.5 E | WM | 28 | SW NW | 40.00 |
| 39 S | 11.5 E | WM | 28 | SE NW | 40.00 |
| 39 S | 11.5 E | WM | 28 | NE SW | 40.00 |
| 39 S | 11.5 E | WM | 28 | NW SW | 35.00 |
| 39 S | 11.5 E | WM | 28 | SW SW | 2.00 |
| 39 S | 11.5 E | WM | 28 | SE SW | 25.00 |
| 39 S | 11.5 E | WM | 28 | NE SE | 36.02 |
| 39 S | 11.5 E | WM | 28 | NW SE | 40.00 |
| 39 S | 11.5 E | WM | 28 | SW SE | 40.00 |
| 39 S | 11.5 E | WM | 28 | SE SE | 36.20 |
| 39 S | 11.5 E | WM | 34 | NE NW | 38.40 |
| 39 S | 11.5 E | WM | 34 | NW NW | 39.00 |
| 39 S | 11.5 E | WM | 34 | SW NW | 38.60 |
| 39 S | 11.5 E | WM | 34 | SE NW | 12.00 |
| 39 S | 11.5 E | WM | 34 | NW SW | 38.40 |
| 39 S | 11.5 E | WM | 34 | SW SW | 38.00 |
| 39 S | 11.5 E | WM | 34 | SW SE | 38.18 |

1. Water Use 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 **December 1, 2021**. 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.

2. Water-Level Measurement Access Condition:

Prior to use, the well(s) shall be configured to allow strictly clean water (no oil) static water level measurements with an electric-tape. This 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 that has a diameter of 3/4 inch (0.75 inch) or greater, and is designed pursuant to Figure 200-5 in OAR 690-200.

3. Regulation Condition:

Groundwater pumping under this permit shall discontinue or be reduced if area wells with permanent primary and/or supplemental groundwater rights are being regulated off due to ground water 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 causing substantial interference with senior water rights.

4. Well Identification Tag Condition:

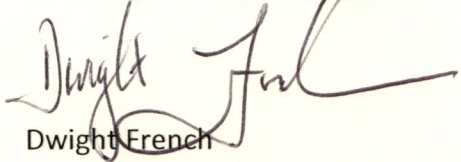
Within one month from the start of use of water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

- 1. 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.
- 2. 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.
- 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 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.

4. 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.
5. 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.
6. 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 MAY 06 2021



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

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