

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD A. SMITH  
10166 E. LANGELL VALLEY RD.  
BONANZA, OREGON 97623

PHONE: (541)545-6314

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

APPLICATION FILE NUMBER: R-81630

SOURCE OF WATER: MILLER CREEK, TRIBUTARY TO LOST RIVER

STORAGE FACILITY: SMITH RESERVOIR, ORIGINALLY CONSTRUCTED UNDER PERMIT R-3511

PURPOSE OR USE OF THE STORED WATER: TO STORE WATER FROM AN ADDITIONAL SOURCE IN SMITH RESERVOIR FOR MULTI-PURPOSE USE AND TO BE APPROPRIATED UNDER APPLICATION S-72129, PERMIT 53428, FOR IRRIGATION

MAXIMUM VOLUME: 750.0 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: OCTOBER 31, 1996

The area submerged by the reservoir, when full, will be 86.5 acres and the maximum depth of water will be 16.0 feet. The maximum height of the dam shall not exceed 18.0 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 16, T40S, R14E, W.M.; 1400 FEET SOUTH AND 800 FEET EAST FROM NW CORNER, SECTION 16

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4  
SE 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4

SECTION 16

TOWNSHIP 40 SOUTH, RANGE 14 EAST, W.M.

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

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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.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

#### STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

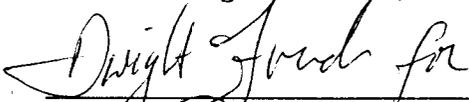
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

Actual construction work shall begin within one year from permit issuance. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 12, 1998

  
Water Resources Department  
Director

Application R-81630  
Basin 14  
RWK

Water Resources Department  
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PERMIT DRAFT  
District 17