

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

ERNEST DENNIS
C/O DENNIS RANCH
5300 SOUTH ETNA
KLAMATH FALLS, OREGON 97603

503-884-4578

is hereby issued a permit to use the waters from WILLIAMSON RIVER AND IRVING CREEK, TRIBUTARIES OF KLAMATH LAKE for IRRIGATION OF 560.0 ACRES. The permit to the use of these waters has been issued under Application 69256 with a date of priority of AUGUST 26, 1987. The permit is limited to not more than 14.0 CUBIC FEET PER SECOND, BEING 5.8 CFS FROM WILLIAMSON RIVER AND USE OF 8.2 CFS FROM IRVING CREEK or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

point 1 SW 1/4 SE 1/4, Section 14, T 30 S, R 10 E, WM;
1120 FEET NORTH & 2530 FEET WEST FROM SE CORNER, SECTION 14.

point 2 NW 1/4 NE 1/4, Section 23, T 30 S, R 10 E, WM;
690 FEET SOUTH & 1480 FEET WEST FROM NE CORNER, SECTION 23.

point 3 NE 1/4 NE 1/4, Section 23, T 30 S, R 10 E, WM;
1230 FEET SOUTH & 800 FEET WEST FROM NE CORNER, SECTION 23.

point 4 SE 1/4 SW 1/4, Section 19, T 30 S, R 11 E, WM;
1090 FEET NORTH & 1520 FEET EAST FROM SW CORNER, SECTION 19.

point 5 NW 1/4 SW 1/4, Section 24, T 30 S, R 10 E, WM;
2300 FEET NORTH & 160 FEET EAST FROM SW CORNER, SECTION 24.

point 6 NW 1/4 SW 1/4, Section 24, T 30 S, R 10 E, WM;
1870 FEET NORTH & 630 FEET EAST FROM SW CORNER, SECTION 24.

point 7 SW 1/4 SW 1/4, Section 24, T 30 S, R 10 E, WM;
1130 FEET NORTH & 530 FEET EAST FROM SW CORNER, SECTION 24.

point 8 SW 1/4 SW 1/4, Section 24, T 30 S, R 10 E, WM;
1020 FEET NORTH & 690 FEET EAST FORM SW CORNER, SECTION 24.

point 9 SW 1/4 SW 1/4, Section 24, T 30 S, R 10 E, WM;
460 FEET NORTH & 550 FEET EAST FROM SW CORNER, SECTION 24.

point 10 SW 1/4 SW 1/4, Section 24, T 30 S, R 10 E, WM;
30 FEET NORTH & 580 FEET EAST FROM SW CORNER, SECTION 24.

Application 69256 Water Resources Department

Permit 50262

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The places of use are as follows:

ACRES 1/4 1/4 SECTION TOWNSHIP RANGE, WM

Williamson River:

primary	8.00	NE SW	14	30 S	10 E
primary	7.90	NW SE	14	30 S	10 E
primary	27.20	SW SE	14	30 S	10 E
primary	1.30	SE SE	14	30 S	10 E
primary	22.00	NE NE	23	30 S	10 E
primary	7.60	NW NE	23	30 S	10 E
primary	33.00	NE SW	24	30 S	10 E
primary	39.30	NW SW	24	30 S	10 E
primary	35.70	SW SW	24	30 S	10 E
primary	40.00	SE SW	24	30 S	10 E

Irving Creek:

primary	14.80	SW NW	19	30 S	11 E
primary	13.20	SE NE	23	30 S	10 E
primary	13.00	NE NE	24	30 S	10 E
primary	40.00	NW NE	24	30 S	10 E
primary	40.00	SW NE	24	30 S	10 E
primary	40.00	SE NE	24	30 S	10 E
primary	40.00	NE NW	24	30 S	10 E
primary	40.00	NW NW	24	30 S	10 E
primary	40.00	SW NW	24	30 S	10 E
primary	40.00	SE NW	24	30 S	10 E
primary	7.00	NE SW	24	30 S	10 E

Total: 560.00 acres.

Actual construction work shall begin on or before August 29, 1989, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991. ^{b+c} Extended to October 1, 1992, 10-1-93

The permit was reviewed and considered by the Water Resources Commission on April 1, 1988.

The permit is further conditioned to reflect the agreement between the Department of Fish and Wildlife (Department) and Ernest Dennis (Applicant) entered into on May 26, 1988. The Agreement in its entirety is incorporated into this permit by reference. It is quoted in part below.

Obligations of the Applicant:

1. Prior to any diversion of water, the applicant shall furnish, install, and maintain a screen (s) to prevent fish from entering the diversion intake (s). The screen (s) shall be constructed, installed, maintained, and repaired according to Department specifications. Prior to construction and installation of the required screen(s) the Applicant shall prepare for approval of the Department, design drawings of the screen (s) and a written plan for installing and maintaining the screen (s) to meet design, construction and operating criteria specified by the Department. The approved design drawings and written plans for the screen (s) will be attached hereto as Exhibit B and by this reference incorporated in this agreement. Plans will be approved or denied within sixty (60) days after submission to the Department.

2. Prior to any diversion of water, the applicant shall furnish, install, and maintain a fishway (s) at any diversion structure (s) that may interfere with the upstream passage of fish. The fishway (s) shall be constructed, installed, maintained, and repaired according to Department specifications. Prior to construction and installation of the required fishway(s) the Applicant shall prepare for approval of the Department, design drawings of the fishway (s) and a written plan for installing and maintaining the fishway (s) to meet design, construction and operating criteria specified by the Department. The approved design drawings and written plans for the fishway (s) will be attached hereto as Exhibit C and by this reference incorporated in this agreement. Plans will be approved or denied within sixty (60) days after submission to the Department.

3. The applicant shall fence the east side of the Williamson River along the entire length of Parcels 1, 2, and 3, described in the application, to control livestock use in the riparian area. Said fence shall not be closer than 25 feet to the edge of the stream. There shall be complete exclusion of grazing within the riparian area, or the area between the fence and the Williamson River described above, for a period of five (5) years. Thereafter, grazing will be permitted within the riparian area from March 1 through June 15, and grazing will be excluded from the riparian area from June 16 through February 28 every year.

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Obligations of Oregon Department of Fish and Wildlife:

The Department agrees to accept the Applicant's performance of this agreement as providing adequate protection of the public's interest in the use of the waters of Williamson River for fish and wildlife purposes against possible adverse effects of the diversion; and therefore further agrees not to protest approval of the Application 69256 by the Oregon Water Resources Department.

General Provisions:

1. This agreement shall remain in effect as long as the said diversion exists on the Williamson River on land parcels 1, 2, and 3 described in the State of Oregon Water Resources Department Application 69256 for permit to appropriate surface water and it shall be binding upon and insure to the benefit of the parties and their respective heirs, administrators, executors, successor, and assigns.

End of summary

Failure of the Applicant to comply with the agreement herein referenced may result in regulation of the diversion by the watermaster. Judgements regarding compliance shall be the responsibility of the Oregon Department of Fish and Wildlife.

This permit is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

Issued this date, August 29, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director