

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MICHAEL J. AND JOAN M. KINCAID  
P.O. BOX 960  
SHADY COVE, OREGON 97539-0960

503-878-2176

to use the waters of LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-8142, a tributary of ROGUE RIVER, for IRRIGATION OF 1.13 ACRES.

This permit is issued approving Application 73352. The date of priority is APRIL 22, 1993. The use is limited to not more than 4.52 ACRE FEET, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 21, T 34 S, R 1 W, W.M.; 1250 FEET SOUTH AND 1340 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 21.

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 4.5 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is April 1 to October 31.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

NE 1/4 SE 1/4 0.03 ACRE  
NW 1/4 SE 1/4 1.10 ACRES  
SECTION 21  
TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install and maintain a fish screening device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The fish required screen is to be in place and functional prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The water user shall comply with the terms and conditions of Water Service Contract Number 3-07-10-W0978 dated August 17, 1993, between Michael J. and Joan M. Kincaid and the Bureau of Reclamation. A copy of the contract is in Application File Number 73352 at the Water Resources Department.

Actual construction work shall begin on or before June 30, 1996, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

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.

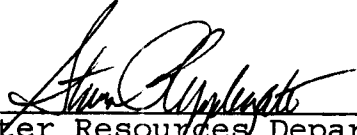
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued this date, June 30, 1995.

  
 Water Resources Department  
 Martha O. Pagel  
 Director

