

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CRATER LAKE ORCHARDS  
PO BOX 129  
MEDFORD, OREGON 97501

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-69559

SOURCE OF WATER: SOUTH FORK OF LITTLE BUTTE CREEK, A TRIBUTARY OF LITTLE BUTTE CREEK AND AN UNNAMED RESERVOIR TO BE CONSTRUCTED UNDER APPLICATION R-69595, PERMIT R-11843

PURPOSE OR USE: AIR TEMPERATURE CONTROL FOR FROST PROTECTION

RATE OF USE: 6.75 CUBIC FEET PER SECOND OF LIVE FLOW AND 4.0 ACRE-FEET STORED WATER

PERIOD OF ALLOWED USE: YEAR ROUND FROM STORED WATER MARCH 1 THROUGH APRIL 30 FROM LIVE FLOW

DATE OF PRIORITY: MARCH 21, 1988

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 8, T37S, R1W, NE 1/4 SE 1/4, SECTION 29, T 36 S, R 2 E, W.M.; (CREEK) - 600 FEET SOUTH & 525 FEET WEST FROM E 1/4 CORNER, SECTION 29; (RESERVOIR) - 970 FEET SOUTH AND 1318 FEET WEST FROM E 1/4, SECTION 8

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 25.0 ACRES  
NW 1/4 SE 1/4 20.0 ACRES  
SECTION 8  
TOWNSHIP 37 SOUTH, RANGE 1 WEST, 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 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.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

The amount of water used for temperature control under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 0.15 of one cubic foot per second (or its equivalent) for each acre.

#### STANDARD CONDITIONS

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

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 and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 19, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department