

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PAUL AND ROBERT WAMPLER, INC.
P.O. BOX 5144
KLAMATH FALLS, OREGON 97601

PHONE: (541) 884-1309

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

APPLICATION FILE NUMBER: S-71332

SOURCE OF WATER: FORT CREEK, VIA FORT CREEK CANAL, A TRIBUTARY OF WOOD RIVER

PURPOSE OR USE: IRRIGATION OF 17.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.34 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH MAY 31

DATE OF PRIORITY: MARCH 4, 1991

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 26, T33S, R7E, W.M.; NE 1/4 NE 1/4, SECTION 34, T33S, R7E, W.M.; FORT CREEK - 960 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 26; FORT CREEK CANAL - 379 FEET SOUTH AND 132 FEET WEST FROM THE NE CORNER OF SECTION 34

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 a diversion of ONE-FIFTIETH of one cubic foot per second (or its equivalent) and 5.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 2.0 ACRES
SECTION 34
NW 1/4 NW 1/4 15.0 ACRES
SECTION 35
TOWNSHIP 33 SOUTH, RANGE 7.5 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.

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- 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.
- C. 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, 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, functional, and approved by Oregon Department of Fish and Wildlife before 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 without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact a Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

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 September 30, 1996



Martha O. Page, Director
Water Resources Department