

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FRANK AND NELL KUONEN
11800 TINGLEY LANE
KLAMATH FALLS, OREGON 97603

(541) 882-8386

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

APPLICATION FILE NUMBER: S-80577

SOURCE OF WATER: TINGLEY LAKE, A TRIBUTARY OF KLAMATH RIVER

PURPOSE OR USE: IRRIGATION OF 7.0 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 0.1 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: APRIL 1 THROUGH JUNE 15 AND SEPTEMBER 16 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 14, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 5, T40S, R9E, W.M.;
PUMP 2 - 2473 FEET NORTH AND 288 FEET WEST, PUMP 5 - 1363 FEET NORTH AND
476 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 5

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-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 7.0 ACRES
SECTION 5
TOWNSHIP 40 SOUTH, RANGE 9 EAST, 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.

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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 use of water shall be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

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.

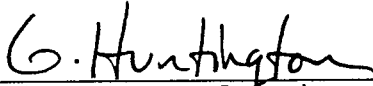
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 October 28, 1996



Martha O. Pagel, Director
Water Resources Department

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Basin 14 Volume 1, Klamath River & Misc.

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District 17