

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT  
3040 BIDDLE RD  
MEDFORD, OREGON 97504

(541) 770-2200

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-79227

SOURCE OF WATER: TWO SPRINGS TRIBUTARY TO KEENE CREEK, ONE SPRING TRIBUTARY TO COTTONWOOD CREEK, AND TWO UNNAMED STREAMS TRIBUTARY TO KEENE CREEK

PURPOSE OR USE: LIVESTOCK, WILDLIFE, AND INDUSTRIAL USE (FIRE PROTECTION AND ROAD OPERATIONS)

MAXIMUM RATE/VOLUME ALLOWED: 0.0835 CUBIC FOOT PER SECOND (CFS) FROM LIVE FLOW, BEING 0.001 CFS FOR LIVESTOCK FROM EACH OF THE FIVE SOURCES, 0.0001 CFS FOR WILDLIFE FROM EACH OF THE FIVE SOURCES, AND 0.078 CFS FOR INDUSTRIAL USE. THE USE OF WATER FOR INDUSTRIAL USE SHALL NOT EXCEED 0.016 CFS FOR ROAD OPERATIONS, BEING 0.0078 CFS FROM EACH OF TWO UNNAMED STREAMS, AND 0.062 CFS FOR FIRE PROTECTION, BEING 0.0155 CFS FROM A SPRING TRIBUTARY OF COTTONWOOD CREEK, 0.0155 CFS FROM A SPRING TRIBUTARY OF KEENE CREEK, AND 0.0155 CFS EACH FROM TWO UNNAMED STREAMS TRIBUTARIES OF KEENE CREEK.

PERIOD OF USE: SEPTEMBER 1 THROUGH JUNE 30 FROM NATURAL FLOW; YEAR ROUND FROM STORED WATER ONLY

DATE OF PRIORITY: DECEMBER 29, 1994

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 8, NW 1/4 NW 1/4, SECTION 32, SW 1/4 SW 1/4, SECTION 29, NW 1/4 NW 1/4, SECTION 32, SE 1/4 NW 1/4, SECTION 9, T39S, R3E, W.M.; COTTONWOOD - 2250 FEET WEST AND 2500 FEET SOUTH FROM THE NE CORNER OF SECTION 8; KEENE CREEK #3 - 375 FEET SOUTH AND 500 FEET EAST FROM THE NW CORNER OF SECTION 32; OLD CABIN - 3500 FEET WEST AND 250 FEET NORTH, KEENE CREEK #2 - 125 FEET SOUTH AND 3500 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 32; NORTH KEENE CREEK - 1875 FEET EAST AND 2000 FEET SOUTH FROM THE NE CORNER OF SECTION 8

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4  
SECTION 8  
ALL  
SECTION 9

S 1/2 SW 1/4  
SW 1/4 SE 1/4  
SECTION 29  
N 1/2 N 1/2  
SECTION 32  
N 1/2  
SECTION 33

TOWNSHIP 39 SOUTH, RANGE 3 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. 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, 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.

Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system.

#### 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.

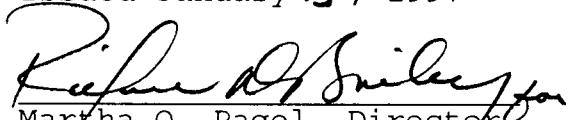
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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, 1999. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2000.

Issued January 15, 1997

  
Martha O. Pagel, Director  
Water Resources Department