

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT J. KOLODNY
14914 RANCHO REAL
DEL MAR, CALIFORNIA 92014

(619) 481-9746

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

APPLICATION FILE NUMBER: S-80161

SOURCE OF WATER: STORED WATER FROM LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-8142, TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 2.4 ACRES

RATE/VOLUME: 7.2 ACRE-FEET PER YEAR FROM STORED WATER FROM LOST CREEK RESERVOIR

PERIOD OF ALLOWED USE: APRIL 1 THROUGH OCTOBER 31 OR AS MAY BE FURTHER LIMITED BY THE BUREAU OF RECLAMATION WATER SUPPLY CONTRACT

DATE OF PRIORITY: APRIL 10, 1995

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 26, T33S, R1E, W.M.; NW 1/4 SE 1/4 SECTION 3, T34S, R1W, W.M.; LOST CREEK RESERVOIR - 2000 FEET SOUTH & 1700 FEET EAST FROM THE NW CORNER OF SECTION 26; POD #1 - 1510 FEET NORTH & 670 FEET EAST, POD #2 - 1430 FEET NORTH & 640 FEET EAST, BOTH FROM THE S 1/4 CORNER OF SECTION 3

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 PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SE 1/4 2.4 ACRES
SECTION 3
TOWNSHIP 34 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.
- 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 use of water under this permit is subject to the terms and conditions of Water Service Contract No.7-07-10-W1175 or a satisfactory replacement between the Bureau of Reclamation and the applicant. A copy of the completed contract is on file with the Water Resources Department.

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

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.

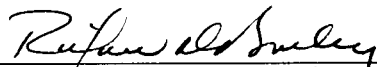
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 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. Complete application of water to the use shall be made on or before October 1, 2001.

Issued October 17, 1997



Martha O. Pagel, Director
Water Resources Department