

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD A. SMITH
10166 E. LANGELL VALLEY RD.
BONANZA, OREGON 97623

PHONE: (541)545-6314

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

APPLICATION FILE NUMBER: S-72129

SOURCE OF WATER: RICHARD SMITH RESERVOIR, CONSTRUCTED UNDER PERMIT R-3511 AND PERMIT R-12503, TRIBUTARY TO RATTLESNAKE CREEK; AND MILLER CREEK, TRIBUTARY TO THE LOST RIVER

PURPOSE OR USE: IRRIGATION OF 170.7 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 4.27 CUBIC FEET SECOND FROM MILLER CREEK AND NO MORE THAN 512.1 ACRE-FEET OF STORED WATER FROM RICHARD SMITH RESERVOIR

PERIOD OF USE: MARCH 1 THROUGH APRIL 14 FROM MILLER CREEK AND MARCH 1 THROUGH SEPTEMBER 30 FROM RICHARD SMITH RESERVOIR

DATE OF PRIORITY: JANUARY 8, 1992, FOR 150.1 ACRES AND AUGUST 12, 1996, FOR 20.6 ACRES

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 5, T40S, R14E, W.M.; MILLER CREEK - 900 FEET SOUTH AND 1380 FEET WEST FROM NE CORNER, SECTION 5; RICHARD SMITH RESERVOIR - 1700 FEET SOUTH AND 338 FEET EAST FROM NE CORNER, SECTION 16

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 SW 1/4	12.0 ACRES
NW 1/4 SE 1/4	8.4 ACRES
SW 1/4 SE 1/4	11.4 ACRES
SECTION 8	
NW 1/4 NE 1/4	18.0 ACRES
SW 1/4 NE 1/4	28.0 ACRES
SE 1/4 NE 1/4	9.2 ACRES
NE 1/4 SE 1/4	34.4 ACRES
NW 1/4 SE 1/4	10.9 ACRES

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SE 1/4 SE 1/4 38.4 ACRES
SECTION 17
TOWNSHIP 40 SOUTH, RANGE 14 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, 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.

For the Miller Creek diversion, 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.

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.

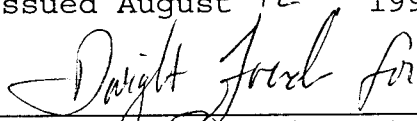
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 of permit issuance. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 12 1998



Water Resources Department
Director

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Basin 14 Volume 2 East Branch Lost River & Misc.

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