

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SYLVIA BRUCE
57301 GERBER ROAD
BONANZA, OREGON 97623

PHONE: (503)545-6331

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

APPLICATION FILE NUMBER: S-72323

SOURCE OF WATER: A SPRING, A TRIBUTARY OF FISHHOLE CREEK

PURPOSE OR USE: IRRIGATION OF 33.77 ACRES

MAXIMUM RATE ALLOWED: 0.43 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 18, T38S, R15E,
W.M.; SOUTH 45° 35' WEST 294 FEET FROM SOUTH 1/4 CORNER, SECTION 7

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:

SE 1/4 SW 1/4 8.0 ACRES
NW 1/4 SE 1/4 18.0 ACRES
SW 1/4 SE 1/4 7.0 ACRES
SECTION 7

NW 1/4 NE 1/4 0.22 ACRE

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NE 1/4 NW 1/4 0.49 ACRE
SECTION 18
TOWNSHIP 38 SOUTH, RANGE 15 EAST, W.M.

While diversion is occurring under this permit, the permittee shall provide a minimum by-pass of 75 gallons per minute past the diversion and into Robinson Spring Creek.

The permittee shall maintain fencing around the proposed source of water (Spring) in order to exclude livestock. The livestock exclusion area shall be maintained so as to be substantially similar with respect to location and area as the current fencing depicted in the permit application map dated January 18, 2000.

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 at the point of diversion into the ditch and at a suitable point to measure the 75 gallon per minute by-pass described above. The meters and/or measuring devices shall be placed in consultation with and to the satisfaction of the District 17 Watermaster.
- 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 has installed and shall continue to maintain, and operate fish screening to prevent fish from entering the proposed diversion (ditch).

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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2004. 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 February 16, 2000


Martha O. Pagel, Director
Water Resources Department

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Basin 14 Volume 2A FISHHOLE CR & MISC

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District 17