

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAMES M ROOT
216 MARIPOSA TERRACE
MEDFORD, OREGON 97504

(541)772-5653

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

APPLICATION FILE NUMBER: S-83440

SOURCE OF WATER: AGENCY SPRING AND CROOKED CREEK, TRIBUTARIES OF WOOD RIVER AND AS FURTHER LIMITED BELOW

PURPOSE OR USE: CREATION OF SPAWNING TRIBUTARY FOR THE BENEFIT OF FISH AND WILDLIFE

MAXIMUM RATE ALLOWED: A COMBINED MAXIMUM DIVERSION OF 8.0 CFS NOVEMBER THROUGH MARCH AND 6.0 CFS APRIL THROUGH OCTOBER, FURTHER LIMITED TO NOT MORE THAN 150 GALLONS PER MINUTE FROM CROOKED CREEK AT ANY TIME AND AS FURTHER LIMITED BELOW

PERIOD OF USE: YEAR ROUND FROM AGENCY SPRING; JUNE THROUGH APRIL FROM CROOKED CREEK AND AS BOTH SOURCES ARE FURTHER LIMITED BELOW

DATE OF PRIORITY: April 24, 1997

POINT OF DIVERSION LOCATION: SW 1/4 SW 1/4, SECTION 18, T34S, R7½E, W.M.; NW 1/4 SE 1/4, SECTION 24, T34S, R7½E, W.M.; AGENCY SPRING - 1100 FEET NORTH AND 815 FEET EAST FROM THE SW CORNER SECTION 18; CROOKED CREEK - 800 FEET SOUTH AND 1500 FEET WEST FROM THE E1/4 CORNER SECTION 24

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4

NW 1/4 SE 1/4

SECTION 24

TOWNSHIP 34 SOUTH, RANGE 7.5 EAST, W.M.

Water use may only occur under this permit (from any source of water listed) when there is a minimum of 11 cfs flowing into Agency Creek from Agency Spring. The permittee shall be responsible for monitoring streamflows to ensure this permit condition is not violated.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the point of diversion on Crooked Creek. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

Before water use may begin under this permit the permittee shall also install, to the satisfaction of the watermaster, a meter or other suitable measuring device at the point of diversion from Agency Creek and at the point where Agency Spring flows into Agency Creek. 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 and measuring devices; provided however, where the meter or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

Water diverted from Crooked Creek shall only be discharged into the spawning ditch at a location no further up the ditch than the pond described under Application R-81019, Permit R-11961.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Crooked Creek. At the point of diversion on Crooked Creek, the permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering

the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The permittee shall contact the Oregon Department of Fish and Wildlife, Klamath Basin District Fish Biologist, 48 hours prior to any significant spawning ditch maintenance and before de-watering the spawning ditch for any reason.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

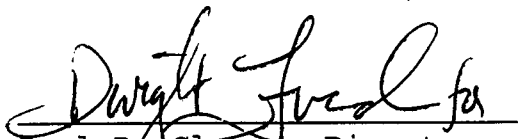
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 shall begin by December 15, 2001. Complete

application of 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 December 15, 2000


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.