

STATE OF OREGON

COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GERALD AND JAN DUNN
7196 DURANGO
LAS VEGAS NV 87120

(702) 258-7422

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

APPLICATION FILE NUMBER: S-85304

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

PURPOSE OR USE: IRRIGATION OF 3.1 ACRES

MAXIMUM VOLUME: 12.4 ACRE FEET EACH YEAR

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: SEPTEMBER 27, 2002

POINT OF DIVERSION LOCATION:

RESERVOIR: 2000 FEET SOUTH & 1700 FEET EAST FROM THE NW $\frac{1}{4}$ CORNER OF
SECTION 26 WITHIN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 33
SOUTH, RANGE 1 EAST, W.M.

PUMP: 130 FEET SOUTH & 1060 FEET EAST FROM THE CENTER $\frac{1}{4}$ CORNER OF
SECTION 21 WITHIN GOVERNMENT LOT 6 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 21,
TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

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 4.0 acre-feet for each acre irrigated during
the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

LOT 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.16 ACRE
LOT 6 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 2.94 ACRES
SECTION 21
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 not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

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 screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water. Screens shall conform to the following specifications:

All Screen Types

1. Screen material must provide a minimum of 27% open area.
2. For gravity ditch screens, screen surface area must be at least 2.5 ft² of wetted screen material per 1 cfs water diverted (e.g. a ditch with a capacity of 3 cfs must have 7.5 ft² of wetted screen material).
3. For pump screens screen surface area must be at least 2.5 ft² of wetted screen material per 449 gpm of water pumped (e.g. a pump with a capacity of 1000 gpm must have 5.6 ft² of wetted screen material).

Perforated Plate Screens

1. Openings shall not exceed 3/32 inch (2.38 mm).

Mesh/Woven Wire Screens

1. Openings shall not exceed 3/32 (0.0938) inch (2.38 mm) in the narrow direction (e.g. a 1/4 X 3/32 inch mesh is acceptable)

Profile Bar Screens/Wedge Wire Screens

1. Openings shall not exceed 0.0689 inches (1.75 mm) in the narrow direction

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 January 8, 2004


Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.