

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DANIEL & ELIZABETH WITHERS  
38438 WITHERS RANCH RD  
PAISLEY, OR 97636

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

APPLICATION FILE NUMBER: S-86808

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 49.5 ACRES

MAXIMUM RATE: 1.24 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: MARCH 15, 2007

POINTS OF DIVERSION LOCATIONS:

POD 1: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 3, T31S, R16E, W.M.; 260 FEET SOUTH & 1720 FEET EAST FROM W1/4 CORNER, SECTION 3

POD 2: NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 3, T31S, R16E, W.M.; 5 FEET SOUTH & 2640 FEET EAST FROM W1/4 CORNER, SECTION 3

POD 3: NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 3, T31S, R16E, W.M.; 5 FEET SOUTH & 2905 FEET EAST FROM W1/4 CORNER, SECTION 3

POD 4: NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 3, T31S, R16E, W.M.; 5 FEET SOUTH & 3170 FEET EAST FROM W1/4 CORNER, SECTION 3

POD 5: NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 3, T31S, R16E, W.M.; 5 FEET SOUTH & 3435 FEET EAST FROM W1/4 CORNER, SECTION 3

POD 6: NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 3, T31S, R16E, W.M.; 5 FEET SOUTH & 3700 FEET EAST FROM W1/4 CORNER, 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 a diversion of ONE-FORTIETH of one cubic foot per second 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 ¼ SW ¼ 9.5 ACRES  
 NW ¼ SE ¼ 40.0 ACRES  
 SECTION 3  
 TOWNSHIP 31 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. 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, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

#### STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

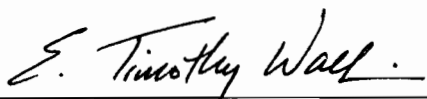
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. 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 March 13, 2008



for Phillip C. Ward, Director  
Water Resources Department