

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LAKE OF THE WOODS RECREATION ASSOCIATION
US FOREST SERVICE
122 S 5TH ST
KLAMATH FALLS, OR 97601

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

APPLICATION FILE NUMBER: S-86994

SOURCE OF WATER: LAKE OF THE WOODS

PURPOSE OR USE: HUMAN CONSUMPTION (INDOOR USE ONLY: COOKING, DRINKING,
AND SANITATION) FOR 42 HOUSEHOLDS

MAXIMUM RATE:

0.21 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 500 GALLONS
PER DAY PER HOUSEHOLD, **NOT TO EXCEED 0.005 CFS FROM POINT OF
DIVERSION (POD) S3, Q8, Q7, Q3, Q2, Q1, P10, P9, P6, P4, O8, O3,
O1, N7, N3, M8, L4, L1, K10, K8, C5, C4, C3, V13, B9, T5, T9, G5,
G4, F25, F10, E22, E19, E16, E17, AND 0.01 CFS FROM POD C11C12,
V1V10, E14E20E21.**

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: SEPTEMBER 26, 2007

POINT OF DIVERSION LOCATIONS:

POD S3 - GOV'T LOT 1 (NWNW), SECTION 10, T37S, R5E, W.M.; NORTH 66
DEGREES 29 MINUTES WEST, 1822 FEET TO NW CORNER, SECTION 10

POD Q8 - GOV'T LOT 1 (NWNW), SECTION 10, T37S, R5E, W.M.; NORTH 55
DEGREES 39 MINUTES WEST, 2068 FEET TO NW CORNER, SECTION 10

POD Q7 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 52
DEGREES 28 MINUTES WEST, 2155 FEET TO NW CORNER, SECTION 10

POD Q3 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 45
DEGREES 25 MINUTES WEST, 2394 FEET TO NW CORNER, SECTION 10

POD Q2 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 43
DEGREES 16 MINUTES WEST, 2469 FEET TO NW CORNER, SECTION 10

POD Q1 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 41
DEGREES 31 MINUTES WEST, 2544 FEET TO NW CORNER, SECTION 10

POD P10 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 38 DEGREES 54 MINUTES WEST, 2660 FEET TO NW CORNER, SECTION 10

POD P9 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 37 DEGREES 41 MINUTES WEST, 2705 FEET TO NW CORNER, SECTION 10

POD P6 - GOV'T LOT 2 (SWNW), SECTION 10, T37S, R5E, W.M.; NORTH 33 DEGREES 25 MINUTES WEST, 2922 FEET TO NW CORNER, SECTION 10

POD P4 - GOV'T LOT 4 (NWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 31 DEGREES 19 MINUTES WEST, 3029 FEET TO SW CORNER, SECTION 10

POD O8 - GOV'T LOT 4 (NWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 36 DEGREES 58 MINUTES WEST, 2465 FEET TO SW CORNER, SECTION 10

POD O3 - GOV'T LOT 4 (NWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 42 DEGREES 46 MINUTES WEST, 1966 FEET TO SW CORNER, SECTION 10

POD O1 - GOV'T LOT 5 (SWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 44 DEGREES 54 MINUTES WEST, 1823 FEET TO SW CORNER, SECTION 10

POD N7 - GOV'T LOT 5 (SWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 56 DEGREES 39 MINUTES WEST, 1470 FEET TO SW CORNER, SECTION 10

POD N3 - GOV'T LOT 5 (SWSW), SECTION 10, T37S, R5E, W.M.; SOUTH 69 DEGREES 05 MINUTES WEST, 1262 FEET TO SW CORNER, SECTION 10

POD M8 - GOV'T LOT 1 (NWNW), SECTION 15, T37S, R5E, W.M.; NORTH 87 DEGREES 0 MINUTES WEST, 1364 FEET TO NW CORNER, SECTION 15

POD L4 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 44 DEGREES 22 MINUTES WEST, 2033 FEET TO NW CORNER, SECTION 15

POD L1 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 37 DEGREES 20 MINUTES WEST, 2277 FEET TO NW CORNER, SECTION 15

POD K10 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 35 DEGREES 44 MINUTES WEST, 2367 FEET TO NW CORNER, SECTION 15

POD K8 - GOV'T LOT 2 (SWNW), SECTION 15, T37S, R5E, W.M.; NORTH 32 DEGREES 54 MINUTES WEST, 2539 FEET TO NW CORNER, SECTION 15

POD G5 - GOV'T LOT 3 (SENE), SECTION 10, T37S, R5E, W.M.; NORTH 03 DEGREES 31 MINUTES EAST, 2149 FEET TO NE CORNER, SECTION 10

POD G4 - GOV'T LOT 3 (SENE), SECTION 10, T37S, R5E, W.M.; NORTH 01 DEGREE 55 MINUTES EAST, 2305 FEET TO NE CORNER, SECTION 10

POD F25 - GOV'T LOT 3 (NWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 04 DEGREES 18 MINUTES WEST, 2617 FEET TO SW CORNER, SECTION 11

POD F10 - GOV'T LOT 3 (NWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 04 DEGREES 28 MINUTES WEST, 2588 FEET TO SW CORNER, SECTION 11

POD E22 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 08 DEGREES 8 MINUTES WEST, 1238 FEET TO SW CORNER, SECTION 11

POD E14E20E21 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 08 DEGREES 10 MINUTES WEST, 1228 FEET TO SW CORNER, SECTION 11

POD E19 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 08 DEGREES 19 MINUTES WEST, 1197 FEET TO SW CORNER, SECTION 11

POD E16 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 06 DEGREES 05 MINUTES WEST, 901 FEET TO SW CORNER, SECTION 11

POD E17 - GOV'T LOT 4 (SWSW), SECTION 11, T37S, R5E, W.M.; SOUTH 02 DEGREES 25 MINUTES WEST, 720 FEET TO SW CORNER, SECTION 11

POD C11C12 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 04 DEGREES 47 MINUTES WEST, 294 FEET TO NW CORNER, SECTION 14

POD C5 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 16 DEGREES 01 MINUTES WEST, 815 FEET TO NW CORNER, SECTION 14

POD C4 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 16 DEGREES 45 MINUTES WEST, 889 FEET TO NW CORNER, SECTION 14

POD C3 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 17 DEGREES 36 MINUTES WEST, 990 FEET TO NW CORNER, SECTION 14

POD V1V10 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 15 DEGREES 54 MINUTES WEST, 1262 FEET TO NW CORNER, SECTION 14

POD V13 - GOV'T LOT 1 (NWNW), SECTION 14, T37S, R5E, W.M.; NORTH 17 DEGREES 07 MINUTES WEST, 1187 FEET TO NW CORNER, SECTION 14

POD B9 - GOV'T LOT 2 (SWNW), SECTION 14, T37S, R5E, W.M.; NORTH 14 DEGREES 09 MINUTES WEST, 1447 FEET TO NW CORNER, SECTION 14

POD T5 - GOV'T LOT 2 (SWNW), SECTION 14, T37S, R5E, W.M.; NORTH 04 DEGREES 29 MINUTES WEST, 2226 FEET TO NW CORNER, SECTION 14

POD T9 - GOV'T LOT 2 (SWNW), SECTION 14, T37S, R5E, W.M.; NORTH 03 DEGREES 26 MINUTES WEST, 2251 FEET TO NW CORNER, SECTION 14

THE PLACE OF USE IS LOCATED AS FOLLOWS:

GOV'T LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
GOV'T LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
GOV'T LOT 3 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)

GOV'T LOT 4 (NW ¼ SW ¼)
 GOV'T LOT 5 (SW ¼ SW ¼)
 SECTION 10

GOV'T LOT 2 (SW ¼ NW ¼)
 NE ¼ SW ¼
 GOV'T LOT 3 (NW ¼ SW ¼)
 GOV'T LOT 4 (SW ¼ SW ¼)
 SECTION 11

GOV'T LOT 1 (NW ¼ NW ¼)
 GOV'T LOT 2 (SW ¼ NW ¼)
 NW ¼ SW ¼
 SECTION 14

GOV'T LOT 1 (NW ¼ NW ¼)
 GOV'T LOT 2 (SW ¼ NW ¼)
 SECTION 15

TOWNSHIP 37 SOUTH, RANGE 5 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 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.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

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

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.

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.

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 in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued July 23, 2009

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department