

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THERESA CLIFF
BELL A LAND AND CATTLE CO
PO BOX 97
LA PINE, OR 97739

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

APPLICATION FILE NUMBER: S-87600

SOURCE OF WATER: EAST THOMPSON VALLEY RESERVOIR, CONSTRUCTED UNDER
PERMIT R-680, A TRIBUTARY OF SILVER CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 931.5 ACRES

MAXIMUM VOLUME: 330.0 ACRE FEET EACH YEAR

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: MAY 6, 2010

POINT OF DIVERSION LOCATIONS:

POD #1: SE ¼ NW ¼, SECTION 22, T28S, R14E, W.M.; 1970 FEET SOUTH
AND 1480 FEET EAST FROM THE NW CORNER, SECTION 22

POD #2: SE ¼ SW ¼, SECTION 15, T28S, R14E, W.M.; 100 FEET NORTH AND
1560 FEET EAST FROM THE SW CORNER, SECTION 15

POD #3: SE ¼ SW ¼, SECTION 15, T28S, R14E, W.M.; 850 FEET NORTH AND
2290 FEET EAST FROM THE SW CORNER, SECTION 15

POD #4: SW ¼ NE ¼, SECTION 15, T28S, R14E, W.M.; 1380 FEET SOUTH
AND 1700 FEET WEST FROM THE NE CORNER, SECTION 15

POD #5: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T28S, R14E, W.M.; 1750 FEET NORTH AND 1250 FEET EAST FROM THE SW CORNER, SECTION 11

POD #6: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, T28S, R14E, W.M.; 3230 FEET NORTH AND 2030 FEET EAST FROM THE SW CORNER, SECTION 11

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-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.4 ACRES

SECTION 2

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.5 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES

SECTION 11

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.1 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.8 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.5 ACRES

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.4 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.7 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.0 ACRES

SECTION 12

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.8 ACRES

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.8 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27.3 ACRES

SW ¼ NW ¼ 39.1 ACRES
SE ¼ NW ¼ 40.0 ACRES
SECTION 14

NE ¼ SW ¼ 21.7 ACRES
NW ¼ SW ¼ 19.0 ACRES
SW ¼ SW ¼ 31.9 ACRES
SE ¼ SW ¼ 39.0 ACRES
NE ¼ SE ¼ 34.7 ACRES
NW ¼ SE ¼ 37.1 ACRES
SW ¼ SE ¼ 34.7 ACRES
SE ¼ SE ¼ 33.4 ACRES
SECTION 15

TOWNSHIP 28 SOUTH, RANGE 14 EAST, W.M.

Measurement devices, and recording/reporting of annual water use 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 device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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 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.

Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete 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 *OCTOBER 14 2016*



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director