

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN LAW
RUTH LAW
233 HIDDEN CREEK COURT
MARTINEZ, CA 94553

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

APPLICATION FILE NUMBER: S-88228

SOURCE OF WATER: LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMITS R-8141 AND R-8142, TRIBUTARY OF ROGUE RIVER, AND ROGUE RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE AND VOLUME:

4.5 ACRE-FEET EACH YEAR FROM LOST CREEK RESERVOIR FOR IRRIGATION OF 1.0 ACRE

0.005 CFS, FURTHER LIMITED TO 500 GALLONS PER DAY FROM ROGUE RIVER, FOR YEAR-ROUND HUMAN CONSUMPTION (INDOOR USE ONLY: COOKING, DRINKING, AND SANITATION) FOR THREE HOUSEHOLDS

PERIOD OF USE: IRRIGATION: APRIL 1 THROUGH OCTOBER 31
HUMAN CONSUMPTION: YEAR-ROUND

DATE OF PRIORITY: MAY 9, 2016

POINT OF DIVERSION LOCATIONS:

POD 1: NW ¼ SE ¼, SECTION 2, T36S, R7W, W.M.; 925 FEET SOUTH AND 1510 FEET WEST FROM E1/4 CORNER, SECTION 2

POD 2: NW ¼ SE ¼, SECTION 2, T36S, R7W, W.M.; 945 FEET SOUTH AND 1490 FEET WEST FROM E1/4 CORNER, SECTION 2

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:

<u>OO</u>	<u>IRRIGATION</u>	<u>DOMESTIC</u>
SE ¼ NE ¼	1.0 ACRE	X
	SECTION 2	
TOWNSHIP 36 SOUTH, RANGE 7 WEST, 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 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.

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion. The required screen **shall be** in place and functional, and approved in writing by ODFW **prior to diversion** of any water. The permittee may submit evidence in writing that ODFW has determined screens are not necessary. This permit is subject to cancellation proceeding if water use begins before installation of fish screening.

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.

The use of water under this right is subject to the terms and conditions of contract No. 169E101894, or a satisfactory replacement, between the Bureau of Reclamation and the permittee, a copy of which must be on file in the records of the Water Resources Department.

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 September 19, 2017



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