

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ROLAND THEISS  
PO BOX 824  
MYRTLE CREEK OR 97457

**This superseding permit is issued to describe an amendment for a change in place of use and point of diversion proposed under Permit Amendment Application T-13578 and approved by Special Order Vol. 118, Page 811, entered MAR 30 2021. This permit supersedes Permit S-55189.**

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

APPLICATION FILE NUMBER: S-88674

SOURCE OF WATER: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMIT R-8444, TRIBUTARY TO BERRY CREEK

PURPOSE OR USE: IRRIGATION OF 90.0 ACRES

MAXIMUM VOLUME: 225.0 ACRE-FEET (OR AS FURTHER LIMITED BY CONTRACT)

DATE OF PRIORITY: OCTOBER 9, 2018

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
29 S	7 W	WM	8	SW NE	39	325 FEET NORTH AND 1310 FEET EAST FROM THE C1/4 CORNER OF SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
29 S	7 W	WM	7	NE NE	39		1.5
29 S	7 W	WM	7	SE NE	39		1.8
29 S	7 W	WM	8	NW NE	39		14.0
29 S	7 W	WM	8	SW NE	39		23.0
29 S	7 W	WM	8	SW NE		7	2.4
29 S	7 W	WM	8	NE NW	39		6.7
29 S	7 W	WM	8	NW NW	39		6.0
29 S	7 W	WM	8	SW NW	39		13.8
29 S	7 W	WM	8	SE NW	39		20.8
						Total	90.0

**Permit Amendment T-13578 Conditions:**

1. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
2. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as part of this permit.

**Original Permit Conditions**

1. 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.



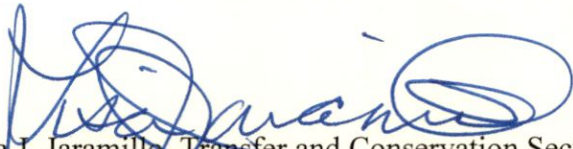
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and 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.
2. The water user shall install, maintain, and operate fish screening, fish by-pass, and fish passage devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. The required screen, by-pass, and passage devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens, by-pass, and/or passage devices are not required.
  3. The use of water under this right is subject to the terms and conditions of Contract No. 382, or a satisfactory replacement, between the Lookingglass Olalla Water Control District and the permittee, a copy of which must be on file in the records of the Water Resources Department.

#### **STANDARD CONDITIONS**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. The original permit was issued December 28, 2018. Actual construction work was to begin within five years of the date of issuance of the original permit. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

7. The original permit was issued December 28, 2018. Completion of construction and application of water to the use shall be made on or before December 28, 2023. 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.
8. Within one year after making complete application 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           **MAR 30 2021**          

A handwritten signature in blue ink, appearing to read 'Lisa J. Jaramillo', is written over the typed name and title.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department