



Oregon Water Resources Department 725  
 Summer Street NE, Suite A  
 Salem Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: \_\_\_\_\_  
First Last

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

### B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: The Klamath Tribes

Name and Title of Person Applying: Roberta Sexton

Mailing Address or Organization: PO Box 436  
Chiloquin Oregon 97624  
City State Zip

Phone : 541-783-2219 EXT. 136  
Day Evening

\*Fax: 541-783-3994 \*Email Address: \_\_\_\_\_

\*Optional

For Department Use		
App. No. _____	Permit No. _____	Date _____

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Last Updated: 3/31/2009

NOV 10 2009

WR

Ground Water/1

WATER RESOURCES DEPT  
SALEM, OREGON

2. PROPERTY OWNERSHIP

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SALEM, OREGON

C Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

- There are no encumbrances
- This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s) )

C No (Please check the appropriate box below)

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

The Klamath Tribes
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3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Williamson River

Distance from well(s) to nearest stream or lake:

1) 6200 feet      2) \_\_\_\_\_      3) \_\_\_\_\_      4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

1) \_\_\_\_\_      2) \_\_\_\_\_      3) \_\_\_\_\_      4) \_\_\_\_\_

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by:

To be determined - will be put out to bid
---

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

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SALEM, OREGON

Completion Date: TBD

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
2	12"	8"	± 500	TBD	±340	Unkn	Unkn	1½"	±600'

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

Artesian flows not expected per existing well #1 Log, see Exhibit C.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 10
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

*Test Hole*  
*Full of Bentonite* PAGE 01

STATE OF OREGON  
**WATER WELL REPORT**  
 (as required by ORS 637765)

WELL ID # **L46058**  
 (START CARD) # **156082**

**(1) OWNER** **03 23**  
**KLAMATH TRIBES**  
**P.O. BOX 436**  
**CHILOQUIN OR 97624**

**(9) LOCATION OF WELL by legal description**  
 County **KLAMATH** Latitude ..... Longitude .....  
 Township **35** S. Range **7** E.  
 Section **8** SE 1/4 SE 1/4  
 Tax Lot **1700** Lot ..... Block ..... Subdivision .....  
 Street Address of Well (or nearest address)  
**SW CORNER OF HWY 62 & S. CHILOQUIN R OAP**

**(2) TYPE OF WORK :** NEW WELL

**(3) DRILL METHOD :** ROTARY MUD

**(4) PROPOSED USE:** Community- TEST HOLE

**(5) BORE HOLE CONSTRUCTION:**

Special Construction Approval **NO** Depth of Completed Well **608** ft.  
 Explosives used **NO** Type Amount  

HOLE		SEAL		AMOUNT	
Diameter	From To	Material	From To	Sacks	
12"	0 19	BENTONITE	0 19	9	
8"	19 608				

How was seal Placed **POURED DRY**  
 Backfill placed from ..... ft. to ..... ft. Material .....  
 Gravel placed from ..... ft. to ..... ft. Size of Gravel .....

**(6) CASING / LINER:**

	Dia.	From	To	Gage	Material
CASING	8"	+1	19	250	STEEL

Final location of shoe (s) .....

**(7) PERFORATIONS / SCREENS:**

METHOD	TYPE	MATERIAL

From To Slot size Number Dia. Tele / pipe size

**(8) WELL TESTS:** Minimum testing time is 1 hour

TESTING METHOD	Yield GPM	Drawdown	Drill stem at	Time
				<b>1 HOUR</b>

Temperature of Water ..... F' Depth Artesian Flow Found .....

Was a water analysis done? **NO** By whom .....

Did any strata contain water not suitable for intended use? **No**

**(10) STATIC WATER LEVEL:**  
 ..... ft. below land surface Date .....  
 Artesian pressure ..... Date .....

**(11) WATER BEARING ZONES :**

From	To	Estimated Flow Rate	SWL

**(12) WELL LOG:**

	Ground Elevation	ROM	TO	SWL
YELLOW CLAYSTONE		0	4	
BROWN SAND AND CLAY		4	9	
BROWN CLAY		9	28	
COURSE SAND		26	54	
COURSE SAND W/SEAMS OF BROWN CLAY		54	304	
GREY CLAY		304	338	
BLUE CLAYSTONE		338	342	
GREY CLAY W/BLUE CLAY SANDSTONE		342	498	
GREY CLAY W/STREAKS OF SAND SANDSTONE		498	514	
BLUE CLAYSTONE		514	562	
		552	578	
		578	608	

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**NOV 10 2003**  
 WATER RESOURCES DEPT.  
 SALEM, OREGON  
 Date started **September 17, 2003** Complete **October 2, 2003**

(Unbonded) Water Well Constructor Certification: I performed on the construction, alteration, or abandonment of this well and certify that the work performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

(Bonded) Water Well Constructor Certification: I performed on the construction, alteration, or abandonment of this well during the construction dates reported above and accept responsibility for the construction, alteration, or abandonment of this well. This report is true to the best of my knowledge and belief.

DATE **10-3-03** WWC # **693**

**Jerry Sauter**

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**From:** Andy Hanson [ahanson@adkinsengineering.com]  
**Sent:** Thursday, December 10, 2009 8:44 AM  
**To:** Herbert L MOSGAR; Jerry K SAUTER  
**Cc:** Doug Adkins  
**Subject:** Klamath Tribes Application G-17286 for Ground Water

**Attachments:** K-Tribes Bylaws.pdf; Deed Description.pdf

Attached is a copy of the 2007 Tribal results showing the election of Joe Kirk as Chairman. Also attached, is a copy of the Tribal By-Laws which designate the authority of the Chairman to sign for the Klamath Tribes. In addition, attached is a copy of the Deed description for the Klamath Tribes property.

This Application is for well #2 only. Well #1 was included to show that there is an existing well only. Well #2 will be a backup for well #1 in addition to the requested water usage for Domestic, Commercial and Irrigation uses.

We would like to include well KLAM 1213 (Perla Development) as part of the application per your request. The additional wells mentioned by Herb, we would ask for them to be removed from the application packet as they are greater than 1.5 miles from the proposed point of appropriation.

Should you require additional information or have any questions concerning this application, please feel free to contact me.

Andrew M. Hanson  
**Adkins Consulting Engineers, Inc.**  
2950 Shasta Way  
Klamath Falls, Ore 97603  
541-884-4666  
541-884-5335 (Fax)  
[ahanson@adkinsengineering.com](mailto:ahanson@adkinsengineering.com)

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PLANNING & DEVELOPMENT  
Klamath Falls, Oregon

WATER WELL REPORT  
STATE OF OREGON

KLAM  
1213

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JUN 28 1983

State Well No. 35S-7E-8

WATER RESOURCES DEPT.

PLEASE TYPE OR PRINT IN INK  
SALEM, OREGON

(1) OWNER:

Name PERLA DEVELOPMENT CO. INC  
Address 1922 STRADILLA RD  
City LOS ANGELES State CALIF

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

TYPE OF WELL:

Rotary Air  Driven  Domestic  Industrial  Municipal   
Rotary Mud  Dug  Irrigation  Test Well  Other   
Cable  Bored  Thermal: Withdrawal  ReInjection

(4) PROPOSED USE (check):

(5) CASING INSTALLED:

Steel  Plastic   
Threaded  Welded

" Diam. from +1 ft. to 329 ft. Gauge 150  
" Diam. from ..... ft. to ..... ft. Gauge .....

LINER INSTALLED:

" Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS:

Perforated?  Yes  No

Type of perforator used FACTORY  
Size of perforations 1/8 in. by 3 in.  
7.20 perforations from 12.8 ft. to 14.8 ft.  
1.110 perforations from 17.8 ft. to 24.8 ft.  
3.60 perforations from 28.8 ft. to 30.8 ft.

(7) SCREENS:

Well screen installed?  Yes  No

Manufacturer's Name ..... Model No. ....  
Type .....  
Diam. .... Slot Size ..... Set from ..... ft. to ..... ft.  
Diam. .... Slot Size ..... Set from ..... ft. to ..... ft.

WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made?  Yes  No If yes, by whom?  
Yield: ..... gal./min. with ..... ft. drawdown after ..... hrs.  
test 100 gal./min. with drill stem at 275 ft. 4 hrs.  
Bailer test ..... gal./min. with ..... ft. drawdown after ..... hrs.  
Artesian flow ..... g.p.m.  
Temperature of water 51 Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:

Special standards: Yes  No

Well seal—Material used CEMENT  
Well sealed from land surface to 66 ft.  
Diameter of well bore to bottom of seal 10 in.  
Diameter of well bore below seal 8 1/2 in.  
Number of sacks of cement used in well seal 18 sacks  
How was cement grout placed? Pumped

Was pump installed? NO Type ..... HP ..... Depth ..... ft.  
Was a drive shoe used?  Yes  No Plugs ..... Size; location ..... ft.  
Did any strata contain unusable water?  Yes  No  
Type of Water? ..... depth of strata .....  
Method of sealing strata off .....  
Was well gravel packed?  Yes  No Size of gravel: 1/4  
Gravel placed from 60 ft. to 329 ft.

(10) LOCATION OF WELL:

County KLAMATH Driller's well number .....  
SW 1/4 NW 1/4 Section 8 T. 35S R. 7E W.M.  
Tax Lot # ..... Lot ..... Blk ..... Subdivision .....  
Address at well location: 1 MI N. OREGON SHORES  
CHLOQUINE ORE

(11) WATER LEVEL: Completed well.

Depth at which water was first found 245 ft.  
Static level 150 ft. below land surface. Date 6/10/83  
Artesian pressure ..... lbs. per square inch. Date .....

(12) WELL LOG:

Depth drilled 329 ft. Diameter of well below casing 0  
Depth of completed well 320 ft.  
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
PACKED SAND	0	60	
YELLOW CLAY	60	85	
BROWN SAND	85	115	
SANDSTONE	115	131	
PACKED BROWN SAND	131	155	
YELLOW CLAY	155	162	
PACKED BROWN SAND	162	165	
YELLOW SHALE	165	195	
PACKED SAND	195	250	
BLUE SHALE	250	296	
GREEN SHALE	296	329	

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Work started 6/3/83 19 Completed 6/10/83 19  
Date well drilling machine moved off of well 6/14/83 19

(unbonded) Water Well Constructor Certification (if applicable):  
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
[Signed] ..... Date ..... 19.....

Bonded Water Well Constructor Certification:  
Bond (number) ..... Issued by: ..... Surety Company Name .....  
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
Name E.E. STOREY & SON WELL DRILLING INC  
(Person, firm or corporation) (Type or print)  
Address 3847 HOPE K FALLS ORE  
[Signed] BB Storey  
Water Well Constructor  
Date 6/26/83 19.....

NOTICE TO WATER WELL CONSTRUCTOR  
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date of well completion.

SP-45292-690

**B. Amount of Water**

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
2	Well	20.4 Ac Irrigation	114.4	30.15 mil/yr	unkn
2	Well	Residential	7.2	3.78 mil/yr	unkn
2	Well	Commercial	2.7	1.42 mil/yr	unkn
1	Well	Residential	13.46	7.1 mil/yr	unkn

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 0.31 cfs  
 (The fees for your application will be based on this amount.)

**D. Period of Use**

Indicate the time of year you propose to use the water: Year round, irrigation 4/15-10/15  
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

**E. Acreage**

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 20.4 ac  
 (This number should be consistent with your application map.)

**5. WATER MANAGEMENT**

**A. Diversion**

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): To be determined
- other means (describe): A booster pump will be added to system, PVC piping

**B. Transport**

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):  
 Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined?  Yes  No

- Pipe (give diameter and total length):  
 Diameter 8" & 6" Length 556' & 5355" respectively

- other, describe: \_\_\_\_\_

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**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use?

Water will be piped to all areas. Sprinklers will be used for irrigation.

Irrigation or land application method (check all that apply):

- Flood
- High pressure sprinkler
- Low pressure sprinkler
- Drip
- Water Cannons
- Center pivot system
- Hand Lines
- Wheel Lines
- Siphon tubes or gated pipe with furrows
- other, describe: \_\_\_\_\_

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open Canal

**E. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Water will be piped to areas that require irrigation. Sprinklers will be used on irrigated lands to conserve water in lieu of floor irrigation.

**6. PROJECT SCHEDULE**

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: 2008

Proposed date construction will be completed: 2018

Proposed date beneficial water use will begin: 2019

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  No

**7. REMARKS**

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Residential:  
 $130 \times 2 \times (4) \times 10 = 10,400 \text{ gpd} = 7.2 \text{ gpm} = 0.016 \text{ cfs}$   
 (Low income housing with four (4) persons per unit)  
 Commercial:  
 $130 \times 2 \text{ (peak day)} \times 15 \text{ persons/ac} = 3,900 \text{ gpd} = 2.7 \text{ gpm} = 0.006 \text{ cfs}$   
 Irrigation  $16.7 \text{ ac} \div 80 = 0.21 \text{ cfs}$  or 94 gpm

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## 8. MAP REQUIREMENTS

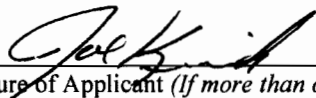
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

## 9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)

10-28-09

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**WRD on the web:**  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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Oregon Water Resources Department

FORM I
FOR IRRIGATION USE

1. Please indicate whether you are requesting a primary or supplemental water right, as well as the number of acres that will be irrigated for each type. The acreages must match those shown on the map submitted with your application.

Primary: 20.4 Acres

Supplemental: Acres (supplemental irrigation can be used only when the primary right is not available, and must match the season of the primary right)

List the permit or certificate number of the primary water right that underlies each supplemental right.

Circle one

Season Allowed

Table with 2 columns: Permit/Certificate #, Season Allowed. Contains four rows of blank lines for input.

2. Indicate the maximum number of acre-feet of water you expect to use in an irrigation season:

61.2 acre-feet (typically 2.5 or 3.0 acre-feet per acre)
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons)

3. For Limited License applications proposing to use water for irrigation. If for use of stored water, a limited license may be issued for up to one year with a valid contract for stored water per ORS 537.143(9). A limited license may also be issued for irrigation from live flow or groundwater, if the sole purpose is to establish a crop for which no further irrigation will be required after the crop is established per ORS 537.143(6)(a). Please describe the proposed project and indicate if stored water, live flow, or groundwater is to be used. When irrigation is needed to establish a crop, you must justify why more than one year is required.

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WATER RESOURCES DEPT
SALEM, OREGON

Last revision August 4, 2009



Oregon Water Resources Department

**FORM Q**  
**FOR COMMERCIAL AND INDUSTRIAL WATER USES**

1. Describe the goods and services you plan to provide:

The commercial water use is for a ±6000 sf Community Center for The Klamath Tribes.

2. How will the water be used?

Domestic uses, cooking, drinking and sewage applications

3. What is the maximum amount of water that will be used on any given day:

2.7  cfs  gpm

4. Are there periods of the day, week, month, or year that the water will not be used?  
(e.g. no use December–March)

No  Yes If so, when? Community Center can be used at any time

5. Is there a particular time or period of day, week, month, or year when the use of water is absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15–Nov. 15)

No  Yes If so, when? Year round - depending on activities

6. Are there periods of the day week, month, or year where the amount of water used will be less than at peak times?

No  Yes If so, when? Late nights / early mornings

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Last revision: April 9, 1996

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KLAMATH TRIBAL COUNCIL  
1100 1/2 W. 10TH ST.  
MEDFORD, OR 97504

**BY-LAWS  
OF THE  
KLAMATH TRIBAL  
COUNCIL**

(APPROVED TO BE CALLED TRIBAL COUNCIL BY THE GENERAL COUNCIL ON  
NOVEMBER 25, 2000)

MTC 54509-KR  
WARRANTY DEED

JAMES E. CHILDERS and MARLENE J. CHILDERS, as tenants by the entirety,  
Grantor(s) hereby grant, bargain, sell, warrant and convey to:  
UNITED STATES OF AMERICA, IN TRUST FOR THE KLAMATH TRIBES OF OREGON,  
Grantee(s) and grantee's heirs, successors and assigns the following described  
real property, free of encumbrances except as specifically set forth herein in  
the County of KLAMATH and State of Oregon, to wit:

Government Lots 23 and 26 and those portions of Government Lots 24 and 25  
lying Southwesterly of State Highway No. 62 and Northwesterly of the  
Chiloquin-Williamson River Highway in Section 8, Township 35 South, Range  
7 East, Willamette Meridian, in Klamath County, Oregon.

KEY #219132 SEE ATTACHED EXHIBIT "A" legal description  
3507-00800-01700-000

SUBJECT TO: all those items of record and those apparent upon the land, if  
any, as of the date of this deed and those shown below, if any;  
and the grantor will warrant and forever defend the said premises and every  
part and parcel thereof against the lawful claims and demands of all persons  
whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT  
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR  
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY  
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY  
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST  
PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$ 175,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the  
following address: P.O. BOX 436, CHILOQUIN, OR 97624

Dated this 3rd day of December, 2001.

*James E. Childers*  
JAMES E. CHILDERS  
*Marlene J. Childers*  
MARLENE J. CHILDERS

\*\*\* This Warranty Deed is being re-recorded  
to further clarify the legal description  
and to show approval by the BIA to  
accept this property in Trust for the  
Klamath Tribes of Oregon as recorded in  
M01-62215

State of Oregon  
County of KLAMATH

This instrument was acknowledged before me on December 3, 2001 by JAMES  
E. CHILDERS AND MARLENE J. CHILDERS.



*Kristil Redd*  
(Notary Public for Oregon)

My commission expires 11/16/2003

ESCROW NO. MT54509-KR

Return to:  
THE KLAMATH TRIBES  
P.O. BOX 436  
CHILOQUIN, OR 97624

State of Oregon, County of Klamath  
Recorded 12/05/01 3:36 p. m.  
Vol M01, Pg 62215  
Linda Smith, County Clerk  
Fee \$ 21.00 # of Pgs 1

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21.00 m

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Government Lots 23 and 26 and those portions of Government Lots 24 and 25 lying Southwesterly of State Highway No. 62 and Northwesterly of the Chiloquin-Williamson River Highway in Section 8, Township 35 South, Range 7 East, Willamette Meridian, in Klamath County, Oregon.

And being further described as follows

A tract of land situated in the Southeast one-quarter of Section 8, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point that bears North  $00^{\circ} 02' 47''$  East, 664.11 feet from the South one-quarter corner of said Section 8; thence North  $00^{\circ} 02' 47''$  East, 1,328.23 feet; thence North  $89^{\circ} 41' 41''$  East, 1,593.05 feet to a point on the Southwesterly right-of-way of Highway 62; thence along said Southwesterly right-of-way South  $28^{\circ} 51' 53''$  East, 992.35 feet to a point where said Southwesterly right-of-way of Highway 62 intersects the Northwesterly right-of-way of South Chiloquin Road; thence along said Northwesterly right-of-way South  $35^{\circ} 48' 28''$  West, 552.72 feet; thence leaving said Northwesterly right-of-way South  $89^{\circ} 21' 52''$  West, 1,749.88 feet to the point of beginning.

Bearings are based upon CS 2694 and CS 6010, on file in the office of the Klamath County Surveyor.

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WASHER COUNTY CLERK

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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SALEM, OREGON

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: ROBERTA Sexton Title: HOUSING Director  
 Signature: Roberta Sexton Phone: 783-2214 Date: 11-6-09  
 Government Entity: Klamath Tribes

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant Name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff Contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



### Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: The Klamath Tribes

Mailing Address: PO Box 436

Chiloquin OR 97624 Daytime Phone: 541-783-2219

#### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
35S	7E	8	SE	1700	Rural Res/RR-2	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Res.
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used:

Klamath County

#### B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Water-Right Transfer
- Exchange of Water
- Allocation of Conserved Water
- Limited Water Use License
- Permit Amendment of Ground Water Registration Modification

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.26  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for 10 household(s)  
 Municipal  Quasi-municipal  Instream  Other \_\_\_\_\_

Briefly describe:

An additional point of appropriation will be drilled to supply water to ten (10) additional residential units, the Community Center and to irrigate 20.4 acres of land.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

#### Receipt for Request for Land Use Information

State of Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

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SALEM, OREGON

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. PUBLIC HEALTH SERVICE  
ON BEHALF OF THE KLAMATH TRIBES OF OREGON  
1220 SW 3RD AVE ROOM 476  
PORTLAND, OREGON 97204

(503) 326-3122

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

APPLICATION FILE NUMBER: G-15844

SOURCE OF WATER: A WELL IN WILLIAMSON RIVER BASIN

PURPOSE OR USE: DOMESTIC USE FOR TWENTY-FIVE HOUSEHOLDS

MAXIMUM RATE: 0.03 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 30, 2002

WELL LOCATION: NW ¼ SE ¼, SECTION 8, T35S, R7E, W.M.; NORTH 42 DEGREES  
8 MINUTES 15 SECONDS WEST 2260 FEET FROM SE CORNER, SECTION 8

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ SE ¼  
NW ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 8

TOWNSHIP 35 SOUTH, RANGE 7 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or

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SALEM, OR

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measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. 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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

#### STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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 shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2008. 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 August 21, 2003

  
Paul R. Cleary, Director  
Water Resources Department

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REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the

Application G-15844 Water Resources Department  
Basin 14 Volume 2A WILLIAMSON R & MISC  
Huffmaam

PERMIT G-15486  
District 17

purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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