

A review of existing water rights indicates there are existing water rights, Permit 44513, Permit 49262, and Certificate 50502, that covers a portion of the same lands for irrigation as proposed under this application #G-15484. Under Permit 44513, 83.8 acres are covered and will be supplemental irrigation. Under Permit 49262, 25.2 acres are covered and will be supplemental irrigation. The acreage allowed under this certificate is at the full rate and duty allowed. Therefore, prior to approving the 0.7 acre that conflicts with Certificate #50502, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate and the use proposed under this application. Please refer to the Conflict Resolution section below for more information. If you have any further questions concerning the Conflict Resolution procedure, please contact Greg Nelson, in Salem at telephone #503-378-8455, extension 285.

COVERED UNDER PERMIT 44513: SW SW, Section 35, T35S, R12E: 38.8 ACRES
SUPPLEMENTAL IRRIGATION AND 1.67
ACRES PRIMARY

SW SW, Section 35, T35S, R12E: 8.1 ACRES
SUPPLEMENTAL IRRIGATION AND 2.75
ACRES PRIMARY

NE NW, Section 2, T36S, T12E: 12.4 ACRES
SUPPLEMENTAL IRRIGATION AND 11.8
ACRES PRIMARY

NW NW, Section 2, T36S, R12E: 24.5 ACRES
SUPPLEMENTAL

COVERED UNDER PERMIT 49262: NW SW, Section 35, T35S, R12E: 25.2 ACRES
SUPPLEMENTAL IRRIGATION AND 14.48
ACRES PRIMARY

PRIMARY IRRIGATION UNDER G-15484: 30.7 ACRES

SUPPLEMENTAL IRRIGATION - G-15484: 109.0 ACRES

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This article shall become effective upon its enactment by the States of Idaho, Montana, Oregon and Washington and upon ratification by Congress by virtue of the authority vested in it under section 10, Article I of the United States Constitution.

ARTICLE XI

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' written notice of intention to withdraw from the compact to the other parties hereto.

ARTICLE XII

The State of Nevada or any state having rivers or streams tributary to the Columbia River may become a contracting state by enactment of the Columbia River Natural Resources Management Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the use and governance of the Columbia River and its natural resources in which the contracting states share mutual concerns.

This article shall become effective upon its enactment by the States of Idaho, Montana, Oregon and Washington and upon ratification by Congress by virtue of the authority vested in it under section 10, Article I of the United States Constitution.

[1999 c.540 §1]

Note: 542.550 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 542 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

KLAMATH RIVER BASIN COMPACT

542.610 Klamath River Basin Compact ratified; when effective. (1) The Legislative Assembly of the State of Oregon hereby ratifies the Klamath River Basin Compact set forth in ORS 542.620, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in subsection (2) of this section.

(2) The compact shall become effective when it has been ratified by the legislatures of the States of California and Oregon, and has been consented to by the Congress of the United States as provided in Article XIII of the compact. [1957 c.142 §1]

Note: The Klamath River Basin Compact became effective on September 11, 1957. The compact was ratified by the State of California by chapter 113, California Statutes 1957 (signed by Governor on April 17, 1957, and effective on September 11, 1957). The Congress of the United States consented to the compact by Public Law

222, 85th Congress (signed by President on August 30, 1957).

542.620 Klamath River Basin Compact. The provisions of the Klamath River Basin Compact are as follows:

ARTICLE I PURPOSES

The major purposes of this compact are, with respect to the water resources of the Klamath River Basin:

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: The use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.

B. To further intergovernmental cooperation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use.

ARTICLE II DEFINITION OF TERMS

As used in this compact:

A. "Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries within the States of California and Oregon and all closed basins included in the Upper Klamath River Basin.

B. "Upper Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath River Basin approved on September 6, 1956, by the commissions negotiating this compact and filed with the Secretaries of State of the two states and the General Services Administration of the United States,

power to be present and participate, including voting as the representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

ARTICLE IV

The duty of the Columbia River Governance Commission shall be to assess programs of state and federal agencies responsible for natural resource management issues and governance issues of the Columbia River and to participate in decision-making by federal agencies on issues affecting the use of and activities on the Columbia River. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the efficient use and management of the Columbia River and resources related to the Columbia River.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the Governors and legislative branches of the various signatory states hereto legislation dealing with the governance and management of the Columbia River and the natural resources related to the Columbia River over which the signatory states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the Governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states of such regulations as it deems advisable with regard to problems connected with the governance and use of the Columbia River and that lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the federal government and to states signatory hereto management strategies for the natural resources of the Columbia River and any changes to federal or state statutes, regulations or rules necessary to the efficient and sound governance of the Columbia River and its natural resources.

ARTICLE V

The commission shall elect from its number a chairperson and a vice chairperson and shall appoint and at its pleasure remove or discharge such officers and employees as

may be required to carry out the provisions of this compact and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

ARTICLE VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to the management of natural resources related to, or the governance and use of, the Columbia River except by the vote of a majority of the compacting states that have an interest in such issues.

ARTICLE VII

The natural resource agencies of the signatory states shall act in collaboration as the official research agency of the Columbia River Governance Commission.

An advisory committee to be representative of such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

ARTICLE VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its natural resources.

ARTICLE IX

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the Governor thereof.

ARTICLE X

The states that sign this compact agree to make available annual funds for the support of the commission on the following basis:

Sixty percent (60%) of the annual budget shall be shared equally by those member states having as a boundary the Columbia River; and forty percent (40%) of the annual budget shall be shared equally by the other member states.

The annual contribution of each member state shall be figured to the nearest one hundred dollars.

which map is incorporated by reference and made a part hereof.

C. "Commission" shall mean the Klamath River Compact Commission as created by Article IX of this compact.

D. "Klamath Project" of the Bureau of Reclamation of the Department of the Interior of the United States shall mean that area as delineated by appropriate legend on the official map incorporated by reference under subdivision B of this Article.

E. "Person" shall mean any individual or any other entity, public or private, including either state, but excluding the United States.

F. "Keno" shall mean a point on the Klamath River at the present needle dam, or any substitute control dam constructed in section 36, township 39 south, range 7 east, Willamette Base and Meridian.

G. "Water" or "waters" shall mean waters appearing on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water.

H. "Domestic use" shall mean the use of water for human sustenance, sanitation and comfort; for municipal purposes; for livestock watering; for irrigation of family gardens; and for other like purposes.

I. "Industrial use" shall mean the use of water in manufacturing operations.

J. "Irrigation use" shall mean the use of water for production of agricultural crops, including grain grown for feeding wildfowl.

ARTICLE III

DISTRIBUTION AND USE OF WATER

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this Article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective

date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this Article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

- (a) Domestic use,
- (b) Irrigation use,
- (c) Recreational use, including use for fish and wildlife,
- (d) Industrial use,
- (e) Generation of hydroelectric power,
- (f) Such other uses as are recognized under the laws of the state involved.

These uses are referred to in this compact as uses (a), (b), (c), (d), (e) and (f), respectively. Except as to the superiority of rights to the use of water for use (a) or (b) over the rights to the use of water for use (c), (d), (e) or (f), as governed by subdivision C of this Article, upon a permit being granted and a right becoming vested and perfected by use, priority in right to the use of water shall be governed by priority in time within the entire Upper Klamath River Basin regardless of state boundaries. The date of priority of any right to the use of water appropriated for the purposes above enumerated shall be the date of the filing of the application therefor, but such priority shall be dependent on commencement and completion of construction of the necessary works and application of the water to beneficial use with due diligence and within the times specified under the laws of the state where the use is to be made. Each state shall promptly provide the commission and the appropriate official of the other state with complete information as to such applications and as to all actions taken thereon.

2. Conditions on the use of water under this subdivision B in Oregon shall be:

(a) That there shall be no diversion of waters from the Upper Klamath River Basin, but this limitation shall not apply to out-of-basin diversions of waters originating within the drainage area of Fourmile Lake.

(b) That water diverted from Upper Klamath Lake and the Klamath River and its tributaries upstream from Keno, Oregon, for use in Oregon and not consumed therein and appearing as surface return flow and waste water within the Upper Klamath River Basin

shall be returned to the Klamath River or its tributaries above Keno, Oregon.

3. Conditions on the use of water under this subdivision B in California shall be:

(a) That the waters diverted from the Klamath River within the Upper Klamath River Basin for use in California shall not be taken outside the Upper Klamath River Basin.

(b) That substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, Oregon.

C. 1. All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) in the Upper Klamath River Basin in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters (i) for any purpose outside the Klamath River Basin by diversion in California or (ii) for use (c), (d), (e) or (f) anywhere in the Klamath River Basin. Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation. But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000 acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land.

2. The provisions of paragraph 1 of this subdivision C shall not prohibit the acquisition and exercise after the effective date of this compact of rights to store waters originating within the Upper Klamath River Basin and to make later use of such stored water for any purpose, as long as the storing of waters for such later use, while being effected, does not interfere with the direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin.

ARTICLE IV HYDROELECTRIC POWER

It shall be the objective of each state, in the formulation and the execution and the granting of authority for the formulation and execution of plans for the distribution and use of the water of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water for other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable

for irrigation and drainage pumping, including pumping from wells.

ARTICLE V INTERSTATE DIVERSION AND STORAGE RIGHTS; MEASURING DEVICES

A. Each state hereby grants for the benefit of the other and its designees the right to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Upper Klamath River Basin in one state for use in the other insofar as the exercise of such right may be necessary to effectuate and comply with the terms of this compact. The location of such facilities shall be subject to approval by the commission.

B. Each state or its designee, exercising within the jurisdiction of the other a right granted under subdivision A of this Article, shall make provision for the establishment, operation and maintenance of permanent gaging stations at such points on streams or reservoir or conveyance facilities as may be required by the commission for the purpose of ascertaining and recording the volume of diversions by the streams or facilities involved. Said stations shall be equipped with suitable devices for determining the flow of water at all times. All information obtained from such stations shall be compiled in accordance with the standards of the United States Geological Survey, shall be filed with the commission, and shall be available to the public.

ARTICLE VI ACQUISITION OF PROPERTY FOR STORAGE AND DIVERSION; IN LIEU TAXES

A. Subject to approval of the commission, either state shall have the right (1) to acquire such property rights in the other state as are necessary for the diversion, storage, conveyance, measurement and use of water in conformity with this compact, by donation or purchase, or (2) to elect to have the other state acquire such property rights for it by purchase or through the exercise of the power of eminent domain. A state making the latter election shall make a written request therefor and the other state shall expeditiously acquire said property rights either by purchase at a price satisfactory to the requesting state, or, if such purchase cannot be made, then through the exercise of its power of eminent domain, and shall convey said property rights to the requesting state or its designee. All costs of such acquisition shall be paid by the requesting state. Neither state shall have any greater power to acquire property rights for the other state through the exercise of the power of eminent domain than it would have under its laws to acquire the same property rights for itself.

B. Should any diversion, storage or conveyance facilities be constructed or acquired in either state for the benefit of the other state, as herein provided, the construction, repair, replacement, maintenance and operation of such facilities shall be subject to the laws of the state in which the facilities are located, except that the proper officials of that state shall permit the storage, release and conveyance of any water to which the other state is entitled under this compact.

C. Either state having property rights other than water rights in the other state acquired as provided in this Article shall pay to each political subdivision of the state in which such property rights are located, each and every year during which such rights are held, a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition of such rights in reimbursement for the loss of taxes to such political subdivisions of the state. Payments so made to a political subdivision shall be in lieu of any and all taxes by that subdivision on the property rights for which the payments are made.

ARTICLE VII POLLUTION CONTROL

A. The states recognize that the growth of population and the economy of the Upper Klamath River Basin can result in pollution of the waters of the Upper Klamath River Basin constituting a menace to the health and welfare of, and occasioning economic loss to, people living or having interests in the Klamath River Basin. The states recognize further that protection of the beneficial uses of the waters of the Klamath River Basin requires cooperative action of the two states in pollution abatement and control.

B. To aid in such pollution abatement and control, the commission shall have the duty and power:

1. To cooperate with the states or agencies thereof or other entities and with the United States for the purpose of promoting effective laws and the adoption of effective regulations for abatement and control of pollution of the waters of the Klamath River Basin, and from time to time to recommend to the governments reasonable minimum standards for the quality of such waters.

2. To disseminate to the public by any and all appropriate means information respecting pollution abatement and control in the waters of the Klamath River Basin and on the harmful and uneconomic results of such pollution.

3. Each state shall have the primary obligation to take appropriate action under its own laws to abate and control interstate

pollution, which is defined as the deterioration of the quality of the waters of the Upper Klamath River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Klamath River Basin in the other state. Upon complaint to the commission by the state water pollution control agency of one state that interstate pollution originating in the other state is not being prevented or abated, the procedure shall be as follows:

1. The commission shall make an investigation and hold a conference on the alleged interstate pollution with the water pollution control agencies of the two states, after which the commission shall recommend appropriate corrective action.

2. If appropriate corrective action is not taken within a reasonable time, the commission shall call a hearing, giving reasonable notice in writing thereof to the water pollution control agencies of the two states and to the person or persons which it is believed are causing the alleged interstate pollution. Such hearing shall be held in accordance with rules and regulations of the commission, which shall conform as nearly as practicable with the laws of the two states governing administrative hearings. At the conclusion of such hearing, the commission shall make a finding as to whether interstate pollution exists, and if so, shall issue to any person or persons which the commission finds are causing such interstate pollution an order or orders for correction thereof.

3. It shall be the duty of the person against whom any such order is issued to comply therewith. Any court of general jurisdiction of the state where such discharge is occurring or the United States District Court for the district where the discharge is occurring shall have jurisdiction, on petition of the commission for enforcement of such order, to compel action by mandamus, injunction, specific performance, or any other appropriate remedy, or on petition of the person against whom the order is issued to review any order. At the conclusion of such enforcement or review proceedings, the court may enter such decree or judgment affirming, reversing, modifying, or remanding such order as in its judgment is proper in the circumstances on the basis of the rules customarily applicable in proceedings for court enforcement or review of administrative actions.

4. The water pollution control agencies of the two states shall, from time to time, make available to the commission all data relating to the quality of the waters of the Upper Klamath River Basin which they possess as the result of studies, surveys and in-

vestigations thereof which they may have made.

ARTICLE VIII MISCELLANEOUS

A. Subject to vested rights as of the effective date of this compact, there shall be no diversion of waters from the basin of Jenny Creek to the extent that such waters are required, as determined by the commission, for use on land within the basin of Jenny Creek.

B. Each state shall exercise whatever administrative, judicial, legislative or police powers it has that are required to provide any necessary reregulation or other control over the flow of the Klamath River downstream from any hydroelectric power plant for protection of fish, human life or property from damage caused by fluctuations resulting from the operation of such plant.

ARTICLE IX ADMINISTRATION

A. 1. There is hereby created a commission to administer this compact. The commission shall consist of three members. The representative of the State of California shall be the Department of Water Resources. The representative of the State of Oregon shall be the Water Resources Commission of Oregon who shall serve as ex officio representative of the Water Resources Commission of Oregon. The President is requested to appoint a federal representative who shall be designated and shall serve as provided by the laws of the United States.

2. The representative of each state shall be entitled to one vote in the commission. The representative of the United States shall serve as chairman of the commission without vote. The compensation and expenses of each representative shall be fixed and paid by the government which he represents. Any action by the commission shall be effective only if it be agreed to by both voting members.

3. The commission shall meet to establish its formal organization within 60 days after the effective date of this compact, such meeting to be at the call of the Governors of the two states. The commission shall then adopt its initial set of rules and regulations governing the management of its internal affairs providing for, among other things, the calling and holding of meetings, the adoption of a seal, and the authority and duties of the chairman and executive director. The commission shall establish its office within the Upper Klamath River Basin.

4. The commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the commission and at such compensation, under such terms and conditions and performing

such duties as it may fix. The executive director shall be the custodian of the records of the commission with authority to affix the commission's official seal, and to attest to and certify such records or copies thereof. The commission, without regard to the provisions of the civil service laws of either state, may appoint and discharge such consulting, clerical and other personnel as may be necessary for the performance of the commission's functions, may define their duties, and may fix and pay their compensation. The commission may require the executive director and any of its employees to post official bonds, and the cost thereof shall be paid by the commission.

5. All records, files and documents of the commission shall be open for public inspection at its office during established office hours.

6. No member, officer or employee of the commission shall be liable for injury or damage resulting from (a) action taken by such member, officer or employee in good faith and without malice under the apparent authority of this compact, even though such action is later judicially determined to be unauthorized, or (b) the negligent or wrongful act or omission of any other person, employed by the commission and serving under such officer, member or employee, unless such member, officer or employee either failed to exercise due care in the selection, appointment or supervision of such other person, or failed to take all available action to suspend or discharge such other person after knowledge or notice that such other person was inefficient or incompetent to perform the work for which he was employed. No suit may be instituted against a member, officer or employee of the commission for damages alleged to have resulted from the negligent or wrongful act or omission of such member, officer or employee or a subordinate thereof occurring during the performance of his official duties unless, within 90 days after occurrence of the incident, a verified claim for damages is presented in writing and filed with such member, officer or employee and with the commission. In the event of a suit for damages against any member, officer or employee of the commission on account of any act or omission in the performance of his or his subordinates' official duties, the commission shall arrange for the defense of such suit and may pay all expenses therefor on behalf of such member, officer or employee. The commission may at its expense insure its members, officers and employees against liability resulting from their acts or omissions in the performance of their official duties. Nothing in this paragraph shall be construed as imposing any liability upon any member,

officer or employee of the commission that he would otherwise not have.

7. The commission may incur obligations and pay expenses which are necessary for the performance of its functions. But it shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the constitution of such government, nor shall the commission incur any obligations prior to the availability of funds adequate to meet them.

8. The commission may:

(a) Borrow, accept or contract for the services of personnel from any government or agency thereof, from any intergovernmental agency, or from any other entity.

(b) Accept for any of its purposes and functions under this compact any and all donations, gifts, grants of money, equipment, supplies, materials and services from any government or agency thereof or intergovernmental agency or from any other entity.

(c) Acquire, hold and dispose of real and personal property as may be necessary in the performance of its functions.

(d) Make such studies, surveys and investigations as are necessary in carrying out the provisions of this compact.

9. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, shall be open to the public. Matters coming within the exception of this paragraph may be considered and acted upon by the commission in executive sessions under such rules and regulations as may be established therefor.

10. In the case of the failure of the two voting members of the commission to agree on any matter relating to the administration of this compact as provided in paragraph 2 of this subdivision A, the representative from each state shall appoint one person and the two appointed persons shall appoint a third person. The three appointees shall sit as an arbitration forum. The terms of appointment and the compensation of the members of the arbitration forum shall be fixed by the commission. Matters on which the two voting members of the commission have failed to agree shall be decided by a majority vote of the members of the arbitration forum. Each state obligates itself to abide by the decision of the arbitration forum, subject, however, to the right of each state to have the decision reviewed by a court of competent jurisdiction.

11. The commission shall have the right of access, through its authorized represen-

tatives, to all properties in the Klamath River Basin whenever necessary for the purpose of administration of this compact. The commission may obtain a court order to enforce its right of access.

B. 1. The commission shall submit to the Governor or designated officer of each state a budget of its estimated expenditures for such period and at such times as may be required by the laws of that state for presentation to the legislature thereof. Each state pledges itself to appropriate and pay over to the commission one-half of the amount required to finance the commission's estimated expenditures as set forth in each of its budgets, and pledges further that concurrently with approval of this compact by its legislature the sum of not less than \$12,000 will be appropriated by it to be paid over to the commission at its first meeting for use in financing the commission's functions until the commission can prepare its first budget and receive its first appropriation thereunder from the states.

2. The commission shall keep accurate accounts of all receipts and disbursements, which shall be audited yearly by a certified public accountant, and the report of the audit shall be made a part of its annual report. The accounts of the commission shall be open for public inspection during established office hours.

3. The commission shall make and transmit to the legislature and Governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. 1. The commission shall have the power to adopt, and to amend or repeal, such rules and regulations to effectuate the purposes of this compact as in its judgment may be appropriate.

2. Except as to matters involving exclusively the management of the internal affairs of the commission and its staff or involving emergency matters, prior to the adoption, amendment or repeal of any rule or regulation the commission shall hold a hearing at which any interested person shall have the opportunity to present his views on the proposed action in writing, with or without the opportunity to present the same orally. The commission shall give adequate advance notice in a reasonable manner of the time, place and subject of such hearings.

3. Emergency rules and regulations may be adopted without a prior hearing, but in such case they may be effective for not longer than 90 days.

4. The commission shall publish its rules and regulations in convenient form.

ARTICLE X STATUS OF INDIAN RIGHTS

A. Nothing in this compact shall be deemed:

1. To affect adversely the present rights of any individual Indian, tribe, band or community of Indians to the use of the waters of the Klamath River Basin for irrigation.

2. To deprive any individual Indian, tribe, band or community of Indians of any rights, privileges, or immunities afforded under federal treaty, agreement or statute.

3. To affect the obligations of the United States of America to the Indians, tribes, bands or communities of Indians, and their reservations.

4. To alter, amend or repeal any of the provisions of the Act of August 13, 1954, (68 Stat. 718) as it may be amended.

B. Lands within the Klamath Indian Reservation which are brought under irrigation after the effective date of this compact, whether before or after section 14 of said Act of August 13, 1954, becomes fully operative, shall be taken into account in determining whether the 200,000 acre limitation provided in paragraph 1 of subdivision C of Article III has been reached.

ARTICLE XI FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect any rights, powers or jurisdiction of the United States, its agencies or those acting by or under its authority, in, over and to the waters of the Klamath River Basin, nor to impair or affect the capacity of the United States, its agencies or those acting by or under its authority in any manner whatsoever, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

B. To subject any property of the United States, its agencies or instrumentalities, to taxation by either state or any subdivision thereof, unless otherwise provided by Act of Congress.

C. To subject any works or property of the United States, its agencies, instrumentalities or those acting by or under its authority, used in connection with the control or use of waters which are the subject of this compact, to the laws of any state to an extent other than the extent to which those laws would apply without regard to this compact, except as otherwise provided by the federal legislation enacted for the implemen-

tation of this compact as specified in Article XIII.

D. To affect adversely the existing areas of Crater Lake National Park or Lava Beds National Monument, or to limit the operation of laws relating to the preservation thereof.

E. To apply to the use of water for the maintenance, on the scale at which such land and water areas are maintained as of the effective date of this compact, of officially designated waterfowl management areas, including water consumed by evaporation and transpiration on water surface areas and water used for irrigation or otherwise in the Upper Klamath River Basin; nor to affect the rights and obligations of the United States under any migratory bird treaty or the Migratory Bird Conservation Act (45 Stat. 1222), as amended to the effective date of this compact.

ARTICLE XII GENERAL PROVISIONS

A. Each state and all persons using, claiming or in any manner asserting any right to the use of the waters of the Klamath River Basin under the authority of either state shall be subject to the terms of this compact.

B. Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

C. Should a court of competent jurisdiction hold any part of this compact to be contrary to the Constitution of either state or the United States, all other provisions shall continue in full force and effect, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the states independently of the portions declared unconstitutional or invalid.

D. Except as to matters requiring the exercise of discretion by the commission, the provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses or other authorizations relating to the waters of the Klamath River Basin issued after the effective date of this compact.

E. The physical and other conditions peculiar to the Klamath River Basin constitute the basis for this compact, and neither of the states hereby, nor the Congress of the United States by its consent, considers that this compact establishes any general principle or

precedent with respect to any other interstate stream.

**ARTICLE XIII
RATIFICATION**

A. This compact shall become effective when ratified by the legislature of each signatory state, and when consented to by an Act of Congress of the United States which will, in substance, meet the provisions hereinafter set forth in this Article.

B. The Act of Congress referred to in subdivision A of this Article shall provide that the United States or any agency thereof, and any entity acting under any license or other authority granted under the laws of the United States (referred to in this Article as "the United States"), in connection with developments undertaken after the effective date of this compact pursuant to laws of the United States, shall comply with the following requirements:

1. The United States shall recognize and be bound by the provisions of subdivision A of Article III.

2. The United States shall not, without payment of just compensation, impair any rights to the use of water for use (a) or (b) within the Upper Klamath River Basin by the exercise of any powers or rights to use or control water (i) for any purpose whatsoever outside the Klamath River Basin by diversions in California or (ii) for any purpose whatsoever within the Klamath River Basin other than use (a) or (b). But the exercise of powers and rights by the United States shall be limited under this paragraph 2 only as against rights to the use of water for use (a) or (b) within the Upper Klamath River Basin which are acquired as provided in subdivision B of Article III after the effective date of this compact, but only to the extent that annual depletions in the flow of the Klamath River at Keno resulting from the exercise of such rights to use water for uses (a) and (b) do not exceed 340,000 acre-feet in any one calendar year.

3. The United States shall be subject to the limitation on diversions of waters from the basin of Jenny Creek as provided in subdivision A of Article VIII.

4. The United States shall be governed by all the limitations and provisions of paragraph 2 and subparagraph (a) of paragraph 3 of subdivision B of Article III.

5. The United States, with respect to any irrigation or reclamation development undertaken by the United States in the Upper Klamath River Basin in California, shall provide that substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin

shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, unless the Secretary of the Interior shall determine that compliance with this requirement would render it less feasible than under an alternate plan of development, in which event such return flows and waste waters shall be returned to the Klamath River at a point above Copco Lake.

C. Upon enactment of the Act of Congress referred to in subdivision A of this Article and so long as such Act shall be in effect, the United States, when exercising rights to use water pursuant to state law, shall be entitled to all of the same privileges and benefits of this compact as any person exercising similar rights.

D. Such Act of Congress shall not be construed as relieving the United States of any requirement of compliance with state law which may be provided by other federal statutes.

**ARTICLE XIV
TERMINATION**

This compact may be terminated at any time by legislative consent of both states, but despite such termination, all rights then established hereunder or recognized hereby shall continue to be recognized as valid by the states.

[1957 c.142 §2]

542.630 Water Resources Director to represent state in administering the Klamath River Basin Compact. The Water Resources Director shall be the only representative of this state in administering the Klamath River Basin Compact set forth in ORS 542.620. The director shall receive no additional compensation for services as such representative, but, subject to any other applicable law regulating mileage and traveling and other expenses for state officers, shall receive actual and necessary traveling and other expenses incurred in the performance of official functions as such representative, to be paid in the same manner and out of the same moneys as other similar expenses of the director are paid. [1957 c.142 §3]

**TEST STUDY OF INTEGRATED
LAND-WATER MANAGEMENT**

542.710 Test stream and watershed study. (1) The Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, is authorized to conduct a test stream and watershed study in order to ascertain in a scientific manner the interrelation between all factors operating in wa-

tersheds upon maximum resource productivity of the area for the greatest public benefit.

(2) In conducting the study the Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, may:

(a) Enlist the cooperation of other state agencies concerned with fields under study and may reimburse such agencies for use made of facilities and personnel.

(b) Acquire the services of other persons as necessary for the purposes of this section. [Formerly 184.460]

542.720 Assistance and grants for study. For purposes of ORS 542.710, the State Board of Higher Education may accept assistance and grants in the form of real or personal property, money, labor, equipment or technical assistance from the United States or any of its agencies, political subdivisions or from other persons subject to the conditions imposed thereon regardless of conflicting state law and may, unless enjoined by the terms of the grant or donation, convert the same into money to be used for the purposes of ORS 542.710. [Formerly 184.470]

WATERSHED PROTECTION AND FLOOD PREVENTION PROJECTS

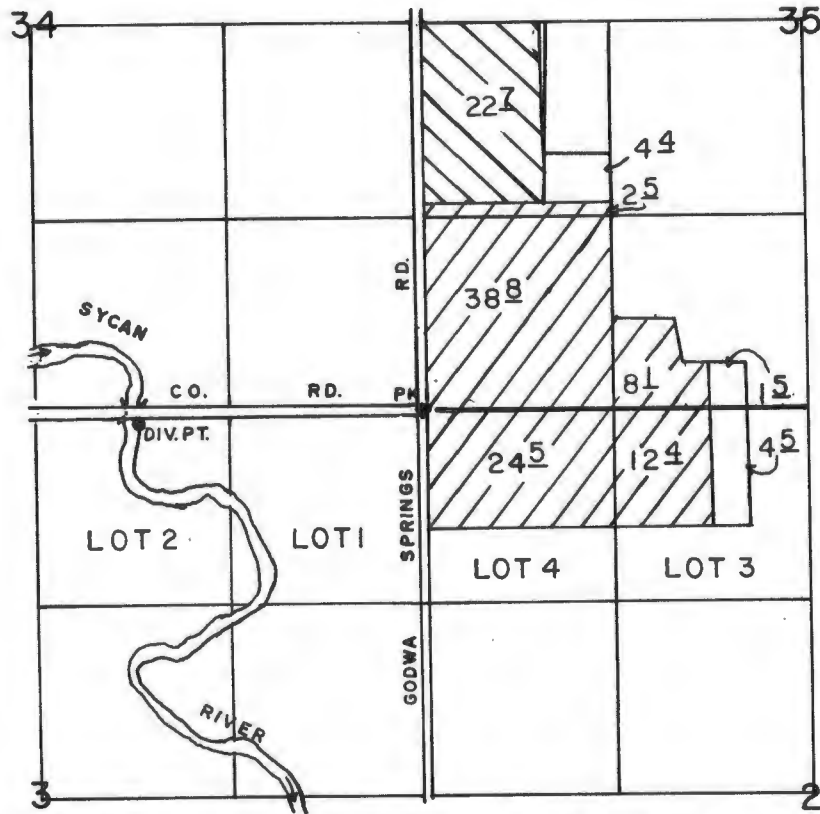
542.750 Cooperative studies of projects under federal Watershed Protection and Flood Prevention Act. (1) The Water Resources Commission may make surveys,

investigations and prepare plans, specifications, estimates and other data, as in the commission's judgment can accomplish the purposes of the Watershed Protection and Flood Prevention Act. As soon as practicable after completion the commission shall prepare, or have prepared, a report setting forth the results of the surveys and investigations. All work performed by the commission under this section shall be correlated with that performed by the United States Natural Resources Conservation Service, or its successor agency, under the Watershed Protection and Flood Prevention Act.

(2) The commission may on behalf of the State of Oregon enter into contracts or agreements with any agencies of the United States Department of Agriculture for the execution of surveys, investigations and the preparation of plans, specifications and estimates or other data to determine costs and feasibility of reservoir or other works of improvement which may be constructed under the provisions of the Watershed Protection and Flood Prevention Act, as amended.

(3) The intent of this section is to expedite the investigation and planning of works of improvement which may be constructed under the Watershed Protection and Flood Prevention Act to reduce the delay in time occurring between initiation of a project and beginning of construction. [1961 c.617 §§1,2; 1965 c.95 §1; 1985 c.673 §138; 1997 c.249 §181]

T.35&36S.,R.12E.,W.M.



DIV. PT. LOC: 70'S. & 1930' W. FROM NE COR. OF SEC 3.

SCALE: 1" = 1320'

FINAL PROOF SURVEY
UNDER

Application No. 59250 68278 Permit No. 44513 49262 
IN NAME OF

THOMAS W. MALLAMS & BEVERLY S. MALLAMS

Surveyed JUNE 11 1991, by B. W. BISHOP.

Abstract of Permit

This is to certify that I have examined APPLICATION **68278** and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to **Thomas W. Mallams and Beverly S. Mallams** of PO Box ²⁹⁹ **15**, Beatty, Oregon 97621, phone 533-2580, for the use of the waters of Sycan River, a tributary of Sprague River, for the PURPOSE of irrigation of 22.7 acres

that the PRIORITY OF THE RIGHT dates from **February 15, 1985**

and is limited to the amount of water which can be applied to beneficial use and shall not exceed **0.5 cubic foot per second**

The POINT OF DIVERSION is to be LOCATED: **1955 feet West from the Northeast Corner of Section 3, being within NW 1/4 NE 1/4 of Section 3, Township 36 South, Range 12 East, WM, in the County of Klamath.**

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 35 South, Range 12 East, WM Section 35 NW 1/4 SW 1/4 22.7 acres Irrigation

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 1/40 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before **April 25, 1986** , and shall thereafter be prosecuted with reasonable diligence and be completed on or before **October 1, 19 87** .

Complete application of the water to the proposed use shall be made on or before **October 1, 19 88** .

Witness my hand this **25th** day of **April** , 19 **85** .

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

CRD
178-18L
F1075-178-18L
6/11/91
PWS

Application No. 59250

Permit No. 44513

RECEIVED

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

OCT 22 1979

AUG 22 1979

WATER RESOURCES DEPT, SALEM, OREGON

WATER RESOURCES DEPT SALEM, OREGON

Application for Permit to Appropriate Surface Water

I, Thomas W. Mallams & Beverly S. Mallams

(Name of Applicant)

of P.O. Box 16

Beatty

(Mailing Address)

(City)

State of Oregon

97621

Phone No. 533-2580

(Zip Code)

do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is The SYCAN RIVER

, a tributary of The Sprague River

2. The point of diversion is to be located 565 ft. S and 1206 ft. W

(N. or S.)

(E. or W.)

from the NE

corner of

SECTION 3 IN T36S

R 12E W.M.

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the NE 1/4 of the NE 1/4 of

Sec. 3

Tp. 36S

R. 12E

(N. or S.)

(E. or W.)

W. M., in the county of

Klamath

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
35S	12EWM	35	SW 1/4 of SW 1/4	40 Acres Alfalfa
35S	12EWM	35	SE 1/4 of SW 1/4	70 Acres Alfalfa
36S	12EWM	2	NW 1/4 of NW 1/4	24.30 Acres Alfalfa
36S	12EWM	2	NE 1/4 of NW 1/4	8.515 Acres Alfalfa
36S	12EWM	2	NW 1/4 of NW 1/4	24.5 A. Alfalfa
36S	12EWM	2	NE 1/4 of NW 1/4	12.4 A. Alfalfa
35S	12EWM	35	SW 1/4 of SW 1/4	40 A. Alfalfa
35S	12EWM	35	SE 1/4 of SW 1/4	6.9 A. Alfalfa
35S	12EWM	35	NW 1/4 of SW 1/4	2.5 A. Alfalfa

4. The amount of water which the applicant intends to apply to beneficial use is 1.89
cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is irrigating alfalfa

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

1. one 50 horse power 4YB pump
2. 1770 feet of 8 inch Supply line
3. 2210 feet of 6 inch mainline with valves every 60 feet
4. 1920 foot, 5 inch wheel line with #70 Rainbird heads
5. 1280 foot, 4 inch wheel line with #70 Rainbird heads

If for domestic use state number of families to be supplied.....

7. Construction work will begin on or before Sept. 1979

8. Construction work will be completed on or before May 1980

9. The water will be completely applied to the proposed use on or before June 1980

Application No. 59250

Permit No. 44513

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.89 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Sycan River

RECEIVED
NOV 22 1980
WATER RESOURCES DIVISION
DEPT OF AGRICULTURE
MONTICELLO, OREGON

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is August 22, 1979

Actual construction work shall begin on or before December 6, 1980 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1981

Complete application of the water to the proposed use shall be made on or before October 1, 1982

WITNESS my hand this 6th day of December, 1979

James E. Seaman
Water Resources Director

BY: [Signature]

Remarks: actual work cannot be started before issuance of the permit. We have all pipe needed ready to be delivered.

Thomas W. Mallams
Signature of Applicant
Beverly S. Mallams

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before December 17, 1979
December 26, 1979

WITNESS my hand this 17th day of October, 1979
25th day of October, 1979
JAMES E. SEXSON Water Resources Director

By Wayne J. Overcash

RECEIVED
OCT 22 1979
WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 22nd day of August, 1979, at 11:00 o'clock A.M.

Application No. 59250 Permit No. 44513

STATE OF OREGON

COUNTY OF

KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

L.L. CRAWFORD

of Route 1, Box 40, Bonanza, State of Oregon 97623, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Crawford Well 2

a tributary of Sycan River for the purpose of irrigation of 324.6 acres

under Permit No. G-2392 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 2, 1963 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 4.06 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the Lot 4 (NW 1/4 NW 1/4), Section 2, T36S, R12E, WM; 1,700 feet North and 820 feet East from W 1/4 Corner, Section 2

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 one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

Application
G-2590

50502

2.1 acres Lot 3 (NE 1/4 NW 1/4)
 14.4 acres Lot 4 (NW 1/4 NW 1/4)
 38.0 acres SW 1/4 NW 1/4
 18.4 acres SE 1/4 NW 1/4
 37.2 acres NE 1/4 SW 1/4
 38.0 acres NW 1/4 SW 1/4
 19.2 acres SW 1/4 SW 1/4
 40.0 acres SE 1/4 SW 1/4
 13.7 acres NE 1/4 SE 1/4
 25.0 acres NW 1/4 SE 1/4
 40.0 acres SW 1/4 SE 1/4
 38.6 acres SE 1/4 SE 1/4

Section 2

Township 36 South, Range 12 East, WM

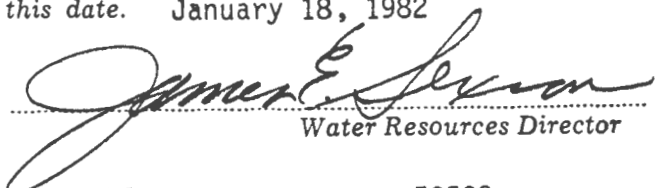
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34898, Volume 26, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on December 13, 1979.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. January 18, 1982



 Water Resources Director

7884A

Recorded in State Record of Water Right Certificates, Volume 44 , page 50502

RECEIVED
MAY 14 1968

STATE ENGINEER
SALEM OREGON

STATE OF OREGON

COUNTY OF KLAMATH

6-2580

Proof of Appropriation of Water

L. L. CRAWFORD

of Route 1, Box 40, Bonanza, State of Oregon
has applied beneficially the waters of
Crawford Well No. 2

a tributary of Sycan River (Sprague River) for the purpose of
irrigation of 327.6 acres

under Permit No. G-2392 of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from April 2, 1963

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
4.10 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, T. 36 S., R. 12 E.,
W. M. Well located 1700 feet North and 820 feet East from W $\frac{1}{2}$ Corner, Section 2.

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 ~~one-eightieth~~ of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season of each year;

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

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- 2.3 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
 - 17.2 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
 - 38.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 - 18.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 - 37.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 - 38.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 - 19.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 - 40.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 - 13.7 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 - 25.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 - 40.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 - 32.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 2
T. 36 S., R. 12 E., W. M.

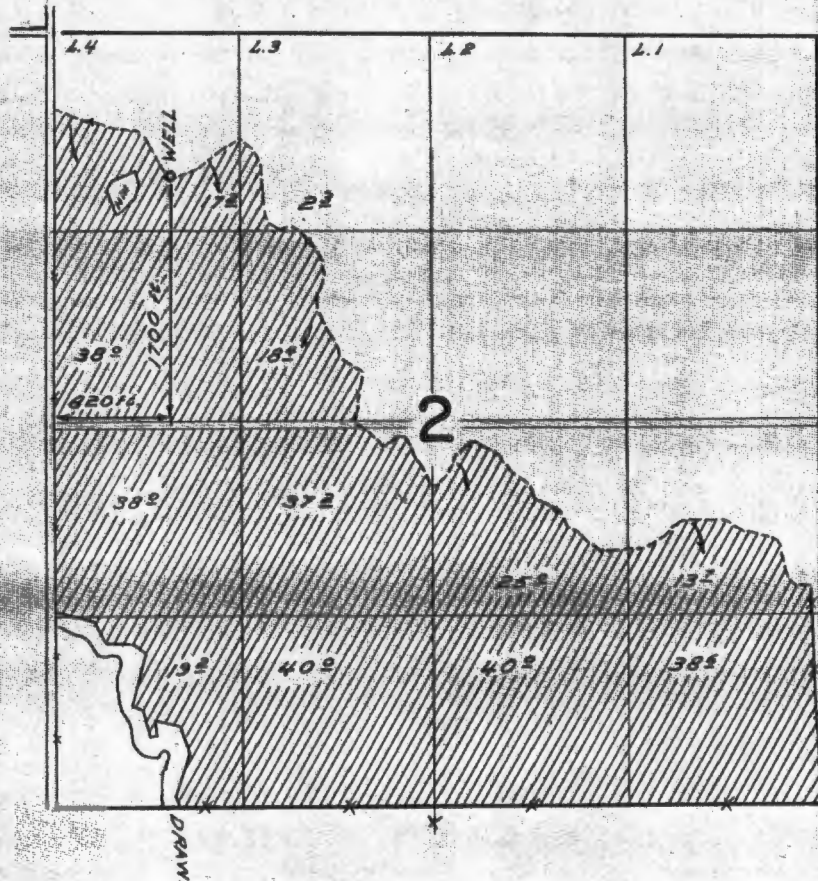
I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of May

1968

L. L. Crawford

T. 36 S. R. 12 E. W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-2580 Permit No. G-2392
IN NAME OF

L. L. Crawford

Surveyed Oct. 13 1966, by W. J. Ruppert

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS W. AND BEVERLY S. MALLAMS
P.O. BOX 16
BEATTY, OREGON 97621

503-533-2580

to use the waters of A WELL in the SYCAN RIVER BASIN for IRRIGATION OF 76.2 ACRES.

This permit is issued approving Application G-11922. The date of priority is JUNE 10, 1989. The use is limited to not more than 0.95 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 2, T 36 S, R 12 E, W.M.; 590 FEET NORTH AND 2240 FEET EAST FROM W 1/4 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 (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NE 1/4	33.6 ACRES
SE 1/4 NE 1/4	16.8 ACRES
NE 1/4 NW 1/4	16.9 ACRES
SE 1/4 NW 1/4	8.9 ACRES

SECTION 2

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before August 13, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

PAGE TWO

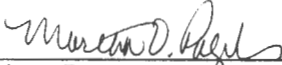
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, AUGUST 13, 1992.



Water Resources Department
Martha O. Pagel
Director

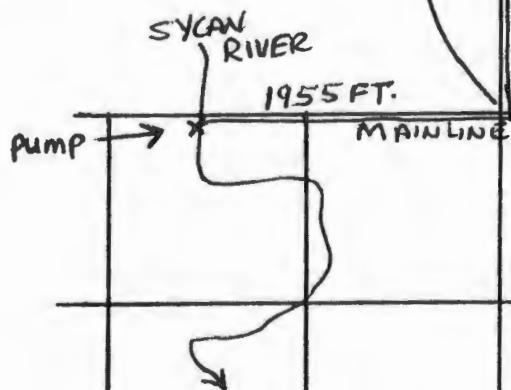
RECEIVED

FEB 1 - 1985

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 68278
Permit No. 49262

T.35S.R.12E.W.M.



22.7

35

T.36S.R.12E.W.M.

3

2

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1 MILE



STATE OF OREGON

County of KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 68278 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Thomas W. Mallams and Beverly S. Mallams of PO Box 16, Beatty, Oregon 97621, phone 533-2580, for the use of the waters of Sycan River, a tributary of Sprague River, for the PURPOSE of irrigation of 22.7 acres

that the PRIORITY OF THE RIGHT dates from February 15, 1985

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.5 cubic foot per second

The POINT OF DIVERSION is to be LOCATED: 1955 feet West from the Northeast Corner of Section 3, being within NW 1/4 NE 1/4 of Section 3, Township 36 South, Range 12 East, WM, in the County of Klamath.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 35 South, Range 12 East, WM Section 35 NW 1/4 SW 1/4 22.7 acres Irrigation

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 1/40 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before April 25, 1986, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 87.

Complete application of the water to the proposed use shall be made on or before October 1, 19 88.

Witness my hand this 25th day of April, 19 85

/s/ WILLIAM H. YOUNG

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF L. L. CRAWFORD)

O R D E R

On November 20, 1979, Thomas W. and Beverly S. Mallams submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

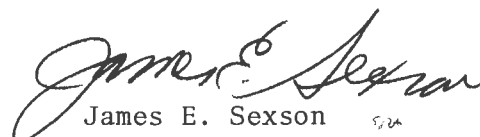
The water right in question is a portion of the right described by the certificate recorded at page 34898, Volume 26, State Record of Water Right Certificates, in the name of L. L. Crawford, and is for the use of not to exceed 0.04 cubic foot per second of water from Crawford Well No. 2, with a date of priority of April 2, 1963, for irrigation of a certain 0.2 acre in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and 2.8 acres in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, Township 36 South, Range 12 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 34898, Volume 26, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.

Dated at Salem, Oregon this 13th day of December, 1979.


James E. Sexson
Director

Appt 25-11-79-2-30

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NOV 20 1979

**WATER RESOURCES DEPT
SALEM, OREGON**

A F F I D A V I T

We, Thomas W. & Beverly S. Mallams, being first duly sworn, depose and say that we are the owners of the North 810 feet of Lot 3(NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the North 810 feet of Lot 4(NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, Township 36 South, Range 12 East, W. M., and the water right appurtenant thereto, which is for the appropriation of 0.04 cubic foot of water per second from Crawford Well No. 2 for the irrigation of 0.2 acre in Lot 3(NE $\frac{1}{4}$ NW $\frac{1}{4}$) and 2.8 acres in Lot 4(NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, Township 36 South, Range 12 East, W. M., with a priority date of April 2, 1963, as evidenced by the certificate recorded at page 34898, Volume 26, State Record of Water Right Certificates; that we have abandoned any and all interest in and to said water right and request the same be canceled.

IN WITNESS WHEREOF, we have hereunto set out hands this nineteenth day of November, 1979.

Thomas W. Mallams

Beverly S Mallams

Subscribed and sworn to before me this 19th day of November, 1979.

Janet M. Drew
Notary Public for Oregon

EXPIRES 2-12-1983

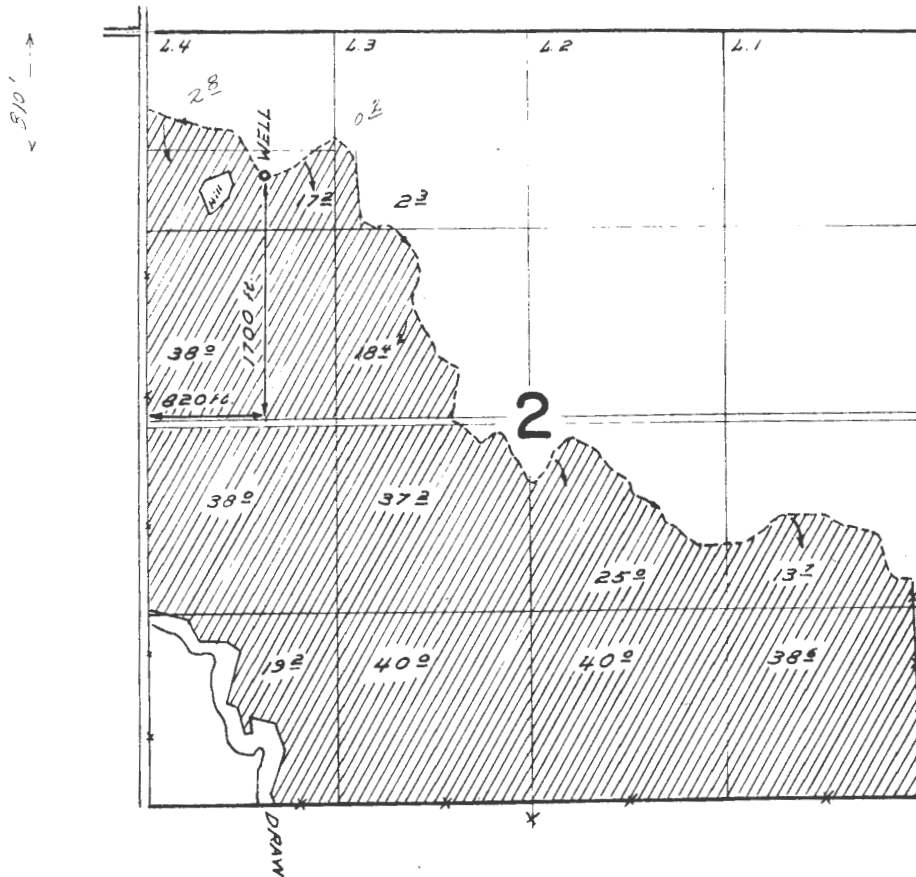
My Commission Expires

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NOV 20 1979

WATER RESOURCES DEPT
SALEM, OREGON

T. 36 S. R. 12 E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. G-2580 Permit No. G-2392
IN NAME OF

L. L. Crawford

Surveyed Oct. 13, 1966, by W. J. Ruppert