

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GRANTS PASS IRRIGATION DISTRICT
200 FRUITDALE DRIVE
GRANTS PASS, OREGON 97527

confirms the right to use the waters of the ROGUE RIVER, JONES CREEK, FRUITDALE CREEK, GILBERT CREEK, SAND CREEK AND SPARROWHAWK CREEK, tributaries of the PACIFIC OCEAN, for IRRIGATION OF 7,755.3 ACRES.

This right was perfected under Permit 8853. The dates of priority are SEPTEMBER 29, 1916 from the Rogue River and FEBRUARY 27, 1922 from Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek and Sparrowhawk Creek. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 96.94 cubic feet per second (cfs), being 96.94 cfs from the Rogue River, 6.0 cfs from Jones Creek, 5.0 cfs from Fruitdale Creek, 5.0 cfs from Gilbert Creek, 6.0 cfs from Sand Creek and 3.0 cfs from Sparrowhawk Creek, with a total diversion of not to exceed 96.94 cfs from all sources or its equivalent in case of rotation, measured at the points of diversion from the source. Provided further, this right to use water shall be in addition to that quantity of water allowed by Certificate 79557 (Permit 50957), State Record of Water Right Certificates for a total diversion not to exceed 149.26 cfs.

The points of diversion are located as follows:

ROGUE RIVER (SAVAGE RAPIDS DAM) * * LOT 8 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), LOT 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 24, T 36 S, R 5 W, W.M. 1859 - 550 FEET NORTH AND 320 FEET WEST; NO. 2 - 900 FEET NORTH AND 20 FEET WEST, BOTH FROM SE CORNER, SECTION 24;

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

REPLACEMENT DIVERSIONS FOR SAVAGE RAPIDS DAM DIVERSIONS - SE¼ SE¼, SECTION 24, T 36 S, R 5 W, W.M.; POD 1 - 900 FEET NORTH AND 300 FEET WEST; POD 2 - 925 FEET NORTH AND 100 FEET WEST, BOTH FROM SE¼ CORNER, SECTION 24;

JONES CREEK - SW¼ NW¼, SECTION 15, T 36 S, R 5 W, W.M.; 970 FEET NORTH AND 470 FEET WEST FROM W¼ CORNER, SECTION 15;

FRUITDALE CREEK - NW¼ SW¼, SECTION 28, T 36 S, R 5 W, W.M.; 1400 FEET NORTH 600 FEET EAST FROM SW CORNER, SECTION 28;

GILBERT CREEK - NE¼ NE¼, SECTION 7, T 36 S, R 5 W, W.M.; 530 FEET WEST FROM NE CORNER, SECTION 7;

SAND CREEK - SW¼ SW¼, SECTION 26, T 36 S, R 6 W, W.M.; 170 FEET NORTH AND 170 FEET EAST FROM SW CORNER, SECTION 26;

SPARROWHAWK CREEK - NE¼ NE¼, SECTION 28, T 36 S, R 6 W, W.M.; 400 FEET SOUTH AND 1220 FEET WEST FROM NE CORNER, SECTION 28.

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

A description of the place of use to which this right is appurtenant is as follows:

Those lands described under Certificate 50650 as modified by any subsequent water right action such as: HB 3111 petition, cancellation orders or water right transfer orders and resulting certificates, provided the total number of acres to receive water shall not exceed 7761.77 acres of land.

The amount of water used for irrigation under this certificate, together with the amount secured under water right Certificate 79557 (Permit 50957), shall be limited to a diversion of ONE-FIFTY-SECOND (1/52) of one cubic foot per second (or its equivalent) and 6 acre-feet per year for each acre irrigated during the irrigation season of each year from direct flow and storage.

Diversion of any water allowed under this right is prohibited from Savage Rapids Dam (LOT 8 (SE¼ SE¼), LOT 1 (SE¼ SE¼), SECTION 24, T 36 S, R 5 W, W.M.; NO. 1 - 550 FEET NORTH AND 320 FEET WEST; NO. 2 - 900 FEET NORTH AND 20 FEET WEST, BOTH FROM SE CORNER, SECTION 24) after November 1, 2005, unless extended up to but not beyond November 1,

2006 on account of force majeure as provided in Paragraph X.B of the Consent Decree. This right authorizes replacement points of diversion (SE¼ SE¼, SECTION 24, T 36 S, R 5 W, W.M.; POD 1 - 900 FEET NORTH AND 300 FEET WEST; POD 2 - 925 FEET NORTH AND 100 FEET WEST, BOTH FROM SE¼ CORNER, SECTION 24) downstream from Savage Rapids Dam to be used to divert water under this right after the diversion at Savage Rapids Dam is discontinued or November 1, 2005 (or November 1, 2006 if extended on account of force majeure), whichever is sooner.

The District shall comply with the terms and conditions of the Consent Decree, entered in the Federal District Court for the District of Oregon, Civil No. 98-3034-HO, on August 27, 2001, between the United States of America, Waterwatch of Oregon, Inc., Trout Unlimited, Pacific Coast Federation of Fishermen Association, Institute of Fisheries Resources, Klamath Forest Alliance, Oregon Natural Resources Council, Siskiyou Regional Education Project, Sierra Club, Northcoast Environmental Center, Environmental Protection Information Center, Curry County Guides Association, Northwest Sportfishing Industries Association, State of Oregon and the Grants Pass Irrigation District ("Consent Decree"). See Attachment A.

The Grants Pass Irrigation District (District) shall continue to implement on an ongoing basis the conservation measures and plan described in Chapter 7 and 11, Grants Pass Irrigation District Water Management Study, March, 1994. The interim goal for the use of water according to the conservation plan limits the use of water under this certificate, together with Certificate 79557 (Permit 50957), to a seasonal average rate of diversion of 130 CFS by November, 2005.

At the replacement points of diversion, the District shall install, operate and maintain a continuous measurement and reporting device for rate and volume of water use, and shall report monthly volumes of water use to the Department on an annual basis. This information shall be available to the District to report general water use information, including the place and nature of use of water under the certificate.

The District shall allow the watermaster access to the meter or measuring device; provided, however, where the meter or measuring device is located within a private structure, the watermaster shall request access, which shall be granted upon reasonable notice.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

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

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 right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows. The use of water under this Certificate shall be subject to any regulation by the watermaster necessary to eliminate waste, compliance with any efficiency standards or conservation requirements that may be imposed by statute or administrative rule, or any other requirements of statute or rule.

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.

WITNESS the signature of the Water Resources

Director, affixed AUG 15 2002



Paul R. O'Leary, Director

Recorded in State Record of Water Right Certificates numbered 79556.