

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM GERKMAN  
P.O. BOX 881  
GOLD BEACH, OREGON 97444

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of ROGUE RIVER, for IRRIGATION OF 0.5 ACRE.

This right was perfected under Permit 52534. The date of priority is NOVEMBER 10, 1988. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. The appropriation of water is limited to the period of MARCH 1 through OCTOBER 31 of each year.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, TOWNSHIP 36 SOUTH, RANGE 14 WEST, W.M.;  
730 FEET NORTH AND 231 FEET EAST OF THE SW CORNER, NE 1/4 SW 1/4,  
SECTION 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

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:

NE 1/4 SW 1/4      0.5 ACRE  
SECTION 9  
TOWNSHIP 36 SOUTH, RANGE 14 WEST, W.M.

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.

## Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user 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 water user shall maintain the meter or 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 water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user shall maintain, and operate fish screening to prevent fish from entering the diversion. The water user shall also maintain a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required fish screens and fishways are to be in place, functional, and approved by the Oregon Department of Fish and Wildlife.

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 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 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.

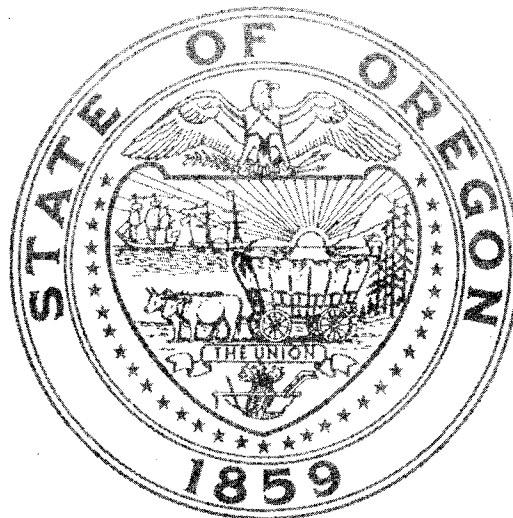
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

Issued May 9, 2003



Paul R. Cleary, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80172.

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