

STATE OF OREGON

COUNTIES OF JACKSON AND JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GRANTS PASS IRRIGATION DISTRICT  
 200 FRUITDALE DRIVE  
 GRANTS PASS, OR 97526

confirms the right to use the waters of ROGUE RIVER, a tributary of THE PACIFIC OCEAN, and JONES CREEK, FRUITDALE CREEK, GILBERT CREEK, SAND CREEK AND SPARROWHAWK CREEK, tributaries of the ROGUE RIVER, for IRRIGATION OF 1,879.50 ACRES within the Grants Pass Irrigation District.

This right was perfected under Permits 8853 and 50957. The date of priority for Permit 8853 is SEPTEMBER 29, 1916, for the use of water from the Rogue River and FEBRUARY 27, 1922, for the use of water from Jones Creek, Fruitdale Creek, Gilbert Creek, Sand Creek, and Sparrowhawk Creek. The date of priority for Permit 50957 is AUGUST 21, 1987, for the use of water from the ROGUE RIVER. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 36.168 CUBIC FEET PER SECOND (CFS) from all sources; being 36.168 cfs from the Rogue River, 1.46 cfs from Jones Creek, 1.20 cfs from Fruitdale Creek, 1.20 cfs from Gilbert Creek, 1.46 cfs from Sand Creek, and 0.72 cfs from Sparrowhawk Creek, or the equivalent in case of rotation, measured at the point of diversion from the source.

The maximum allowable diversion from the Rogue River under the September 29, 1916, priority date is 23.512 cfs, and 12.656 cfs under the August 21, 1987, priority date.

Provided further, this right to use water shall be in addition to that quantity of water allowed by Certificate 80971, State Record of Water Right Certificates, for a total diversion not to exceed 149.89 cfs.

The points of diversion are located as follows:

TWP	RNG	MER	SEC	1/4	1/4	LOT	LOCATION
36	S	5	W	W.M.	24	SE SE 8	ROGUE RIVER (SAVAGE RAPIDS DAM DIVERSION): NO. 1 - 550 FEET NORTH AND 320 FEET WEST FROM THE SE CORNER OF SECTION 24
36	S	5	W	W.M.	24	SE SE 1	ROGUE RIVER (SAVAGE RAPIDS DAM DIVERSION): NO. 2 - 900 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 24
36	S	5	W	W.M.	24	SE SE	ROGUE RIVER (SAVAGE RAPIDS DAM REPLACEMENT DIVERSION): POD 1 - 900 FEET NORTH AND 300 FEET WEST FROM THE SE 1/4 CORNER OF SECTION 24

TWP	RNG	MER	SEC	1/4	1/4	LOT	LOCATION
36	S	5	W	W.M.	24	SE SE	ROGUE RIVER (SAVAGE RAPIDS DAM REPLACEMENT DIVERSION): POD 2 – 925 FEET NORTH AND 100 FEET WEST FROM THE SE¼ CORNER OF SECTION 24
36	S	6	W	W.M.	14	NE SW	ROGUE RIVER: 1680 FEET NORTH AND 450 FEET WEST FROM THE SOUTH ¼ CORNER OF SECTION 14
36	S	5	W	W.M.	15	SW NW	JONES CREEK: 970 FEET NORTH AND 470 FEET EAST FROM THE W ¼ CORNER OF SECTION 15
36	S	5	W	W.M.	28	NW SW	FRUITDALE CREEK: 1400 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 28
36	S	5	W	W.M.	7	NE NE	GILBERT CREEK: 530 FEET WEST FROM NE CORNER OF SECTION 7
36	S	6	W	W.M.	26	SW SW	SAND CREEK: 170 FEET NORTH AND 170 FEET EAST FROM SW CORNER OF SECTION 26
36	S	6	W	W.M.	28	NE NE	SPARROWHAWK CREEK: 400 FEET SOUTH AND 1,220 FEET WEST FROM NE CORNER OF SECTION 28

The amount of water used for irrigation under this certificate, together with the amount secured under Water Right Certificate 80971, shall be limited to a diversion of ONE-FIFTY-SECOND (1/52) OF ONE CUBIC FOOT PER SECOND, or the equivalent for each acre irrigated and shall further be limited to a diversion not to exceed 6.0 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:

IRRIGATION									
TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	ACRES	
36	S	4	W	WM	3	NW	SW	27.60	
36	S	4	W	WM	4	SE	NE	0.80	
36	S	4	W	WM	4	SE	SE	28.70	
36	S	4	W	WM	9	NE	NE	2.90	
36	S	4	W	WM	16	NE	NE	28.30	
36	S	4	W	WM	16	NW	NE	17.60	
36	S	4	W	WM	16	SW	NE	24.30	
36	S	4	W	WM	16	SE	NE	24.80	
36	S	4	W	WM	16	NE	SE	14.50	
36	S	4	W	WM	16	SE	SE	1	5.16
36	S	4	W	WM	19	SW	NW		1.10
36	S	4	W	WM	19	SE	SW	3	2.60
36	S	4	W	WM	20	SE	NE	5	0.90
36	S	4	W	WM	20	SE	NE	5	1.30

IRRIGATION										
TWP		RNG		MER	SEC	1/4	1/4	DLC	LOT	ACRES
36	S	4	W	WM	22	SE	NW			2.80
36	S	4	W	WM	22	NE	SW		3	0.20
36	S	4	W	WM	29	NW	NW			28.40
36	S	4	W	WM	30	SW	NE			0.60
36	S	4	W	WM	30	NW	NW		1	2.80
36	S	4	W	WM	30	SE	NW			13.70
36	S	5	W	WM	6	SW	NE			2.00
36	S	5	W	WM	6	NE	SW			1.00
36	S	5	W	WM	6	NW	SE			1.20
36	S	5	W	WM	8	NW	NE			8.00
36	S	5	W	WM	14	SE	SW			2.20
36	S	5	W	WM	14	SW	SE			0.30
36	S	5	W	WM	14	SE	SE			0.70
36	S	5	W	WM	15	NE	SW			2.60
36	S	5	W	WM	15	NW	SW			11.60
36	S	5	W	WM	15	SW	SW			38.60
36	S	5	W	WM	16	NE	NW			2.70
36	S	5	W	WM	17	SE	NW	38		2.60
36	S	5	W	WM	17	NE	SW	38		0.70
36	S	5	W	WM	17	NW	SE	38		0.40
36	S	5	W	WM	18	NW	SW			0.30
36	S	5	W	WM	19	NW	SW		4	0.50
36	S	5	W	WM	21	NE	SE		1	2.00
36	S	5	W	WM	21	NE	SE		8	2.00
36	S	5	W	WM	22	SE	NE		8	33.40
36	S	5	W	WM	22	NW	NW			22.40
36	S	5	W	WM	22	NE	SW		6	12.20
36	S	5	W	WM	22	NE	SE			17.90
36	S	5	W	WM	22	NW	SE			17.70
36	S	5	W	WM	23	NW	NE		3	24.50
36	S	5	W	WM	23	SE	NE			21.60

IRRIGATION										
TWP		RNG		MER	SEC	1/4	1/4	DLC	LOT	ACRES
36	S	5	W	WM	23	SE	SW			3.90
36	S	5	W	WM	24	SW	SW		5	1.50
36	S	5	W	WM	28	SW	SW			0.10
36	S	5	W	WM	29	SW	NE			32.00
36	S	5	W	WM	29	NW	NW			25.00
36	S	5	W	WM	29	SW	NW			0.20
36	S	5	W	WM	29	NE	SE			2.00
36	S	5	W	WM	30	SW	NE			10.30
36	S	5	W	WM	30	SW	NW			36.00
36	S	6	W	WM	11	SW	SW			19.50
36	S	6	W	WM	13	NE	NW	37		3.50
36	S	6	W	WM	13	SW	NW		2	14.40
36	S	6	W	WM	13	SW	NW	37		25.40
36	S	6	W	WM	13	NE	SW			39.10
36	S	6	W	WM	13	NW	SW		3	14.60
36	S	6	W	WM	13	NW	SW			25.40
36	S	6	W	WM	13	NE	SE			31.65
36	S	6	W	WM	14	SE	NE			39.00
36	S	6	W	WM	14	NE	NW		10	18.70
36	S	6	W	WM	14	NE	NW	37		2.00
36	S	6	W	WM	14	SW	NW		8	1.60
36	S	6	W	WM	14	SW	NW	37		5.30
36	S	6	W	WM	14	SE	SW		6	25.80
36	S	6	W	WM	14	NE	SE			40.00
36	S	6	W	WM	14	SW	SE		2	3.30
36	S	6	W	WM	14	SW	SE		7	14.50
36	S	6	W	WM	14	SW	SE	37		1.90
36	S	6	W	WM	15	NW	NE			2.80
36	S	6	W	WM	15	SE	SW		5	0.90
36	S	6	W	WM	15	NE	SE		6	1.40
36	S	6	W	WM	15	SE	SE		6	27.30
36	S	6	W	WM	20	NE	SE			29.90
36	S	6	W	WM	21	NE	NE		8	18.50
36	S	6	W	WM	21	SE	NE			36.70
36	S	6	W	WM	21	NE	SE			38.80

IRRIGATION										
TWP		RNG		MER	SEC	1/4	1/4	DLC	LOT	ACRES
36	S	6	W	WM	21	NW	SE			36.60
36	S	6	W	WM	21	SW	SE			37.40
36	S	6	W	WM	21	SE	SE			37.20
36	S	6	W	WM	22	NE	NE			33.90
36	S	6	W	WM	22	SE	NE			38.80
36	S	6	W	WM	22	NE	NW		1	13.60
36	S	6	W	WM	22	NW	NW		2	11.30
36	S	6	W	WM	22	SE	NW			36.30
36	S	6	W	WM	22	NE	SW			35.60
36	S	6	W	WM	22	NE	SE			34.60
36	S	6	W	WM	22	NW	SE			38.80
36	S	6	W	WM	23	NE	NW			30.91
36	S	6	W	WM	23	NE	SW			36.58
36	S	6	W	WM	23	SW	SW			29.80
36	S	6	W	WM	24	SE	SE			16.20
36	S	6	W	WM	25	SW	NE			24.30
36	S	6	W	WM	25	NW	SW			0.80
36	S	6	W	WM	25	NE	SE			20.10
36	S	6	W	WM	25	SW	SE			12.20
36	S	6	W	WM	26	SW	SW			34.30
36	S	6	W	WM	27	SW	NE			8.40
36	S	6	W	WM	28	NW	NW			0.40
36	S	6	W	WM	29	NE	SW			13.60
36	S	6	W	WM	30	SE	SE			3.90
36	S	6	W	WM	31	NE	NE			18.80
36	S	6	W	WM	31	NW	NE			6.40
36	S	6	W	WM	31	SW	NE			1.70
36	S	6	W	WM	32	NW	SW			2.50
36	S	6	W	WM	32	SW	SW			21.20
36	S	6	W	WM	32	SE	SE			32.50
36	S	6	W	WM	33	NE	SW			39.40
36	S	6	W	WM	33	NW	SW			25.80

IRRIGATION										
TWP		RNG		MER	SEC	1/4	1/4	DLC	LOT	ACRES
36	S	6	W	WM	34	SW	SW			2.80
36	S	6	W	WM	35	NW	NW			11.20
36	S	6	W	WM	36	SW	SE			25.70
37	S	6	W	WM	3	NE	NW			0.50
37	S	6	W	WM	3	NW	NW			11.10
37	S	6	W	WM	4	NE	NE			35.30
37	S	6	W	WM	4	SE	NE			6.50
37	S	6	W	WM	5	SE	NE			0.40
37	S	6	W	WM	5	NE	SW			0.20
37	S	6	W	WM	5	NW	SE			1.80

Diversion of any water allowed under this right is prohibited from the Rogue River points of diversion identified in this certificate as Savage Rapids Dam Diversions No. 1 and No. 2 (located in Lot 8 and Lot 1, SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, T 36 S, R 5 W, W.M.) 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 entered in the Federal District Court for the District of Oregon. This right authorizes replacement points of diversion from the Rogue River identified in this certificate as Savage Rapids Dam Replacement Diversions POD 1 and POD 2 (located in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, T 36 S, R 5 W, W.M.), 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").

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 80735, 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 purposes 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, comply with any efficiency standards or conservation requirements that may be imposed by statute or administrative rule, or any other requirements of statute or rule.

This certificate corrects scrivener's errors contained in Certificate 80736 of the State Record of Water Right Certificates. The allowable diversion of water from Jones Creek and Sand Creek should have been described as 1.46 cfs rather than 1.44 cfs.

This certificate describes that portion of the water right confirmed by Certificate 80736, State Record of Water Right Certificates, NOT CANCELED by the provisions of an order of the Water Resources Director, entered October 4, 2004, and recorded in Special Order Volume 61, Page 599. This certificate supersedes Certificate 80736.

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.

Issued 10-4-2004

  
Phillip C. Ward, Acting Director  
Water Resources Department