

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. WINEMA NATIONAL FOREST
1301 SOUTH G STREET
LAKEVIEW, OREGON 97630

confirms the right to use the waters of BOUNDARY SPRING, a tributary of BEAR CREEK for LIVESTOCK USE.

This right was perfected under Permit 52407. The date of priority is SEPTEMBER 21, 1983. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.006 CUBIC FOOT PER SECOND, NOT TO EXCEED 3000 GALLONS PER DAY measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 36, TOWNSHIP 29 SOUTH, RANGE 11 EAST, W.M.;
200 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 36.

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:

1859
SE 1/4 SE 1/4
SECTION 36
TOWNSHIP 29 SOUTH, RANGE 11 EAST, W.M.

S-66591.LHN

CERTIFICATE NUMBER 81492

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.

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. 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.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF THE POINT OF DIVERSION AND SUPERSEDES CERTIFICATE 80309.

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

Issued AUGUST 4, 2005.


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81492.

S-66591.LHN