

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.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN E MCCAWE JR.
18755 HWY 62
EAGLE POINT, OR 97525

CONFIRMS THE RIGHT TO USE THE WATERS PERFECTED UNDER THE TERMS OF PERMIT 51281. THE AMOUNT OF WATER TO WHICH THIS RIGHT IS ENTITLED IS LIMITED TO AN AMOUNT ACTUALLY BENEFICIALLY USED AND SHALL NOT EXCEED THE AMOUNT DESCRIBED, OR ITS EQUIVALENT IN CASE OF ROTATION, MEASURED AT THE POINT OF DIVERSION FROM THE SOURCE. THE SPECIFIC LIMITS AND CONDITIONS OF THIS RIGHT ARE LISTED BELOW.

APPLICATION FILE NUMBER: 71150

PERMIT NUMBER: 51281

SOURCE OF WATER: LOST CREEK RESERVOIR CONSTRUCTED UNDER PERMIT R-8142, A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 217.9 ACRES

MAXIMUM RATE ALLOWED: THE USE IS LIMITED TO NOT MORE THAN 536.0 ACRE FEET (AF) OF STORED WATER ONLY, BEING 500 AF FOR TRACT 1 AND 36 AF ON TRACT 2, OR ITS EQUIVALENT IN CASE OF ROTATION, MEASURED AT THE POINT OF DIVERSION FROM THE SOURCE.

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 4.5 AF FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON EACH YEAR.

THE USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF CONTRACTS NO. 1-07-10-W0845 AND NO. 1-07-10-W0834 BETWEEN JOHN E. MCCAWE AND BUREAU OF RECLAMATION, OR A SATISFACTORY REPLACEMENT, A COPY OF WHICH IS ON FILE IN THE RECORDS OF THE WATER RESOURCES DEPARTMENT.

DATE OF PRIORITY: THE DATE OF PRIORITY IS JANUARY 28, 1991 FOR USE OF 500.0 AF ON TRACT 1 AND APRIL 22, 1991 FOR USE OF 36.0 AF ON TRACT 2.

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

TRACT 1 - NW 1/4 NW 1/4, SECTION 33, TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.; 1197 FEET SOUTH AND 321 FEET EAST FROM THE NW CORNER, SECTION 33; AND

TRACT 2 - LOT 5 (NW 1/4 NW 1/4), SECTION 4, TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.; 96 FEET SOUTH AND 285 FEET EAST FROM NW CORNER, SECTION 4; AND

LOST CREEK RESERVOIR - NW 1/4, SECTION 26, TOWNSHIP 33 SOUTH, RANGE 1 EAST, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

TRACT 1

NE 1/4 SW 1/4	20.7 ACRES
NW 1/4 SW 1/4	9.3 ACRES
LOT 9 (SW 1/4 SW 1/4)	21.4 ACRES
SE 1/4 SW 1/4	17.3 ACRES
SW 1/4 SE 1/4	35.7 ACRES

SECTION 28

SE 1/4 SE 1/4 1.1 ACRES

SECTION 29

NW 1/4 NE 1/4	31.5 ACRES
SW 1/4 NE 1/4	24.2 ACRES
NE 1/4 NW 1/4	33.9 ACRES
NW 1/4 NW 1/4	3.6 ACRES
SE 1/4 NW 1/4	5.9 ACRES

SECTION 33

TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

TRACT 2

SE 1/4 SE 1/4 1.0 ACRES
SECTION 32
LOT 4 (SW 1/4 SW 1/4) 0.6 ACRES
SECTION 33
TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

LOT 5 (NW 1/4 NW 1/4) 2.9 ACRES
SECTION 4
NE 1/4 NE 1/4 8.8 ACRES
SECTION 5
TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

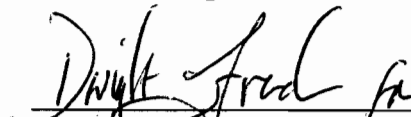
FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS RIGHT MAY RESULT IN ACTION INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS ON THE USE, CIVIL PENALTIES, OR CANCELLATION OF THE RIGHT.

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.

Issued May 12, 2006.



Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82028.

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