

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 DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM MCKERN & OPAL JORDAN  
1425 OLEANDER  
MEDFORD, OREGON 97501

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of ELK CREEK, for LIVESTOCK.

This right was perfected under Permit S-52276. The date of priority is FEBRUARY 21, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 cubic foot per second (CFS), BEING 0.005 CFS FROM EACH POINT OF DIVERSION, or its equivalent in case of rotation, measured at the points of diversion from the source.

PERIOD OF USE: YEAR AROUND

THE POINTS OF DIVERSION (POD) ARE LOCATED AS FOLLOWS:

POD #1: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 19, T 22 S, R 4 W, W.M.; 1560 FEET SOUTH AND 1170 FEET EAST FROM THE NW CORNER, SECTION 19.

POD #2: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 19, T 22 S, R 4 W, W.M.; 1870 FEET SOUTH AND 950 FEET EAST FROM THE NW CORNER, SECTION 19.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW¼ NW¼  
SECTION 19  
TOWNSHIP 22 SOUTH, RANGE 4 WEST, W.M.

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.

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 proposed diversion. The water user shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to in place, functional, and approved by 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 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 DEC 01 2006

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82879

S-72229.GEC