

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF EAGLE POINT
P.O. BOX 779
EAGLE POINT, OR 97524

confirms the right to use the waters of FOUR MILE LAKE RESERVOIR, within the KLAMATH RIVER BASIN; and waters draining or flowing into the CASCADE CANAL and FISH LAKE RESERVOIR, within the ROGUE RIVER BASIN; as constructed under Permit R-50; for MUNICIPAL USE.

This right was perfected under Permit 407. The date of priority is MARCH 31, 1910. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.25 CUBIC FEET PER SECOND (CFS). The season of use under the right shall be limited to the irrigation season, and the annual volume shall not exceed 356.94 acre-feet per year.

Water is conveyed from Four Mile Lake via the Cascade Canal, and held, and stored in Fish Lake. Water is rediverted and released into the North Fork Little Butte Creek, and is rediverted into the Main Canal shared by Rogue River Valley and Medford Irrigation Districts. At Bradshaw Drop the water is split between the Hopkins Canal and the Medford Canal. The City of Eagle Point has the option to receive delivery of this water via being passed by the diversion on the North Fork Little Butte Creek and transported through Little Butte Creek to the Rogue River to the point of diversion on the Rogue River.

Total diversions through the Main Canal from North Fork and South Fork of Little Butte Creek shall not exceed 140 CFS at any one time.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
36 S	1 E	WM	8	SW SW		BRADSHAW DROP
36 S	2 E	WM	20	SE NE		NORTH FORK LITTLE BUTTE CREEK - 40 FEET NORTH AND 620 FEET WEST FROM THE E1/4 CORNER OF SECTION 20
36 S	5 E	WM	9	SW NW		FOUR MILE LAKE DAM - 3600 FEET NORTH AND 4200 FEET WEST FROM THE SE CORNER OF SECTION 9
37 S	4 E	WM	4	SE SE		FISH LAKE DAM - 4000 FEET SOUTH AND 600 FEET WEST FROM THE NE CORNER OF SECTION 4
36 S	2 W	WM	13	SW NW	41	ROGUE RIVER - 3961.8 FEET SOUTH AND 1883.3 FEET EAST FROM NE CORNER DLC 42

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

A description of the place of use to which this right is appurtenant is as follows:

Township		Range		Meridian	Sec	¼ ¼	
35	S	1	W	W.M.	34	SW	NE
35	S	1	W	W.M.	34	SE	NE
35	S	1	W	W.M.	34	SE	NW
35	S	1	W	W.M.	34	NE	SW
35	S	1	W	W.M.	34	SE	SW
35	S	1	W	W.M.	34	SE ¼	
35	S	1	W	W.M.	35	SW	NW
35	S	1	W	W.M.	35	NW	SW
35	S	1	W	W.M.	35	SW	SW
36	S	1	W	W.M.	2	NW	NW
36	S	1	W	W.M.	2	SW	NW
36	S	1	W	W.M.	2	SE	NW
36	S	1	W	W.M.	2	SW ¼	
36	S	1	W	W.M.	3	NE ¼	
36	S	1	W	W.M.	3	NW ¼	
36	S	1	W	W.M.	3	SW ¼	
36	S	1	W	W.M.	3	SE ¼	
36	S	1	W	W.M.	4	SE	NE
36	S	1	W	W.M.	4	NE	SE
36	S	1	W	W.M.	4	SE	SE
36	S	1	W	W.M.	9	NE	NE
36	S	1	W	W.M.	9	SE	NE
36	S	1	W	W.M.	10	NE ¼	
36	S	1	W	W.M.	10	NW ¼	
36	S	1	W	W.M.	10	NE	SW
36	S	1	W	W.M.	10	NW	SW
36	S	1	W	W.M.	11	NW	NE
36	S	1	W	W.M.	11	SW	NE
36	S	1	W	W.M.	11	NW ¼	
36	S	1	W	W.M.	11	NE	SW
36	S	1	W	W.M.	11	NW	SW
36	S	1	W	W.M.	11	NW	SE

The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

The water user shall maintain a suitable device for measuring and recording the quantity of water diverted. The Lake Creek gaging station on Little Butte Creek (Station number 14346700) is an acceptable measuring point for use in fulfillment of this requirement.

Use of water for municipal use under this right is illegal without an approved fish screening and/or by-pass device in operation.

After October 1, 2007, no diversion of water under this right for municipal use will be allowed until adequate fish screening and/or by-pass devices have been installed and approved by the Oregon Department of Fish and Wildlife. Prior to diversion of water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required fish screening and/or by-pass device meets ODFW's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

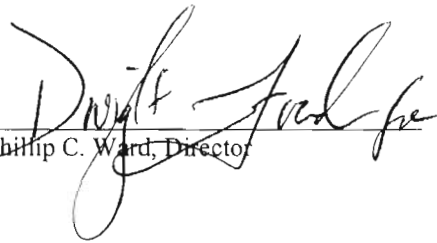
The water user shall lease the right instream until such time as an approved fish screen and/or by-pass device is installed.

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION, AND CHANGES IN PLACE OF USE AND CHARACTER OF USE approved by an order of the Water Resources Director entered JUNE 5, 2007, at Special Order Volume 72, Page 255 approving Transfer Application T-10160, and together with Certificate 83263 supersedes Certificate 81635, State record of Water Right Certificates.

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 81635 and any related decree.

Issued MAR 20 2009 .


Phillip C. Ward, Director