

STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

G BAR W LAND AND CATTLE CO.      NORTHWEST FARM CREDIT SERVICES, FLCA  
890 B CROWFOOT ROAD              PO BOX 3520  
EAGLE POINT, OREGON 97524      CENTRAL POINT, OREGON 97502

confirms the right to use the waters of WILLIAMSON RIVER AND IRVING CREEK, tributaries of KLAMATH LAKE, for IRRIGATION of 481.2 ACRES.

This right was perfected under Permit 50262. The date of priority is AUGUST 26, 1987. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 12.0 CUBIC FEET PER SECOND (CFS), BEING 4.2 CFS FROM THE WILLIAMSON RIVER AND 7.8 CFS FROM IRVING CREEK, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (pod) are located as follows:

Pod	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
WILLIAMSON RIVER								
1	30 S	10 E	WM	23	NW NE			610 FEET SOUTH AND 1550 FEET WEST FROM NE CORNER, SECTION 23
2	30 S	10 E	WM	24	NW SW			1925 FEET NORTH AND 30 FEET EAST FROM SW CORNER, SECTION 24
3	30 S	10 E	WM	24	NW SW			1820 FEET NORTH AND 750 FEET EAST FROM SW CORNER, SECTION 24
4	30 S	10 E	WM	24	SW SW			695 FEET NORTH AND 895 FEET EAST FROM SW CORNER, SECTION 24
IRVING CREEK								
	30 S	11 E	WM	19	NW SW			10 FEET NORTH AND 60 FEET WEST FROM SE CORNER, NW¼ SW¼, SECTION 19

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**NOTICE OF RIGHT TO PETITION FOR 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. 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.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
WILLIAMSON RIVER							
30 S	10 E	WM	14	NE SW			6.9
30 S	10 E	WM	14	NW SE			16.5
30 S	10 E	WM	14	SW SE			23.1
30 S	10 E	WM	14	SE SE			0.4
30 S	10 E	WM	23	NE NE			20.3
30 S	10 E	WM	23	NW NE			7.6
30 S	10 E	WM	24	NE SW			29.0
30 S	10 E	WM	24	NW SW			36.3
30 S	10 E	WM	24	SW SW			17.0
30 S	10 E	WM	24	SE SW			11.0
IRVING CREEK							
30 S	10 E	WM	23	SE NE			10.2
30 S	10 E	WM	24	NE NE			11.7
30 S	10 E	WM	24	NW NE			40.0
30 S	10 E	WM	24	SW NE			40.0
30 S	10 E	WM	24	SE NE			39.0
30 S	10 E	WM	24	NE NW			40.0
30 S	10 E	WM	24	NW NW			40.0
30 S	10 E	WM	24	SW NW			40.0
30 S	10 E	WM	24	SE NW			40.0
30 S	11 E	WM	19	SW NW			12.2

The right is conditioned to reflect the agreement between the Department of Fish and Wildlife (Department) and Ernest Dennis (Applicant) [Original Applicant] entered into May 26, 1988. The agreement in its entirety is incorporated into this right by reference. It is described in part below.

Obligations of the water user:

1. The water user shall maintain a screen to prevent fish from entering the diversion intake. The screen shall be maintained and repaired according to Department specifications.
2. The water user shall maintain a fishway at any diversion structures that may interfere with the upstream passage of fish. The fishways shall be maintained and repaired according to Department specifications.
3. The water user shall fence the east side of the Williamson River along the entire length of Parcels 1, 2, and 3 described in the application, to control livestock use in the riparian area. The fence shall not be closer than 25 feet to the edge of the stream. There shall be complete exclusion of grazing within the riparian area, or the area between the fence and the Williamson River described above, for a period of five years. Thereafter, grazing will be permitted within the riparian area from March 1 through June 15, and grazing will be excluded from the riparian area from June 16 through February 28 every year.

Obligations of Oregon Department of Fish and Wildlife:

The Department agrees to accept the water user's performance of this agreement as providing adequate protection of the public's interest in the use of the waters of Williamson River for fish and wildlife purposes against possible adverse effect of the diversion.

General Provisions:

This agreement shall remain in effect as long as the diversions exist on the Williamson River on land parcels 1, 2, and 3 described in the State of Oregon Water Resources Application 69256 for permit to appropriate surface water and shall be binding upon and insure to the benefit of the parties and the respective heirs, administrators, executors, successor, and assigns.

End of Summary

Prior to installation of additional pumps or other diversion facilities, the water user shall comply with the agreement regarding prior approval of the Oregon Department of Fish and Wildlife.

Failure of the water user to comply with the agreement herein referenced may result in regulation of the diversions by the Watermaster. Judgments regarding compliance shall be the responsibility of the Oregon Department of Fish and Wildlife.


This right is for the beneficial use of water.

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued JUN 05 2009

  
Phillip C. Ward, Director  
Water Resources Department