

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLIFFORD ELLIS AND GERALDINE CARROL WORTHYLAKE
91340 DEADWOOD CREEK RD
DEADWOOD OR 97430-9702

confirms the right to use the waters of AN UNNAMED SPRING AND DEADWOOD CREEK, TRIBUTARIES OF LAKE CREEK.

This right was perfected under Permit 53300. The date of priority is FEBRUARY 4, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially.

PURPOSE OR USE: DEADWOOD CREEK – IRRIGATION OF 23.4 ACRES. UNNAMED SPRING – DOMESTIC USE FOR ONE HOUSEHOLD INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ½ ACRE IN AREA; LIVESTOCK USE, AND HUMAN CONSUMPTION FOR ONE HOUSEHOLD.

MAXIMUM RATE ALLOWED: NOT TO EXCEED A CUMULATIVE TOTAL OF 0.08 CUBIC FOOT PER SECOND (CFS) BEING:

0.06 CFS FROM DEADWOOD CREEK FOR IRRIGATION

0.01 CFS FROM THE SPRING FOR DOMESTIC USE

0.01 CFS FROM THE SPRING FOR LIVESTOCK USE

- 0.005 CFS FROM THE SPRING FOR HUMAN CONSUMPTION

PERIOD OF USE:

MARCH THROUGH JULY FOR IRRIGATION FROM DEADWOOD CREEK AND AS FURTHER LIMITED BELOW

- NOVEMBER THROUGH JULY FOR DOMESTIC EXPANDED FROM THE SPRING

AUGUST THROUGH OCTOBER FOR HUMAN CONUSMPTION FROM THE SPRING

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.

- YEAR ROUND FOR LIVESTOCK USE FROM THE SPRING

The points of diversion are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
DEADWOOD CREEK WEST	16 S	9 W	WM	34	SE SE	1190 FEET NORTH & 1043 FEET EAST FROM E1/16 CORNER, BETWEEN SECTIONS 3 & 34
DEADWOOD CREEK EAST	16 S	9 W	WM	35	SW SW	1235 FEET NORTH & 1486 FEET EAST FROM E1/16 CORNER, BETWEEN SECTIONS 3 & 34
SPRING	16 S	9 W	WM	35	SW SW	345 FEET NORTH & 1302 FEET EAST FROM E1/16 CORNER, BETWEEN SECTIONS 3 & 34

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-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	9 W	WM	34	SE SE	11.3
16 S	9 W	WM	35	SW SW	10.0
16 S	9 W	WM	35	SE SW	2.1

DOMESTIC & LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	
16 S	9 W	WM	34	SE SE	

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter at all points of diversion on Deadwood Creek.
- B. The water user shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. During the season of use for irrigation, the water user shall keep a complete record of the rate and duty of water diverted from Deadwood Creek each month and submit a report which includes this information to the Department annually or more frequently as may be required by the Director.

The Water Resources Department shall establish and maintain a low to medium flow rating curve for the staff gage closest to the points of diversion on Deadwood Creek. The staff gage and rating curve shall be maintained unless the Water Resources Commission and the Director of Oregon Department of Fish and Wildlife finds, in a public hearing, that maintaining the gage and rating curve on Deadwood Creek is no longer a priority considering budget, staffing, and other high priority instream flow monitoring needs.

During the month of July, irrigation from Deadwood Creek shall be subordinate to Instream Water Right Certificate 73146 and the water user shall:

- be responsible for monitoring streamflows in Deadwood Creek so that diversion for irrigation does not occur when Instream Water Right Certificate 73146 is not met.

- prior to any diversion of water for irrigation from Deadwood Creek, the water user shall make an observation of the staff gage on Deadwood Creek and shall only divert water if flow is sufficient to meet the flows authorized under Instream Water Right Certificate 73146 and the irrigation use.
- while irrigation diversion from Deadwood Creek is occurring, the water user shall record weekly observations from the staff gage and shall report such measurements along with other water use measurements described above.
- in the event maintenance of the staff gage is discontinued by the Water Resources Commission, irrigation use in the month of July is not allowed unless the water user can demonstrate, to the satisfaction of the Department, that instream flows are measured and met prior to diversion of water for irrigation.

The water user shall maintain and operate fish screens on all points of diversion on Deadwood Creek to Oregon Department of Fish and Wildlife specifications.

The water user shall not construct, operate, or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish.

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.

This right is for the beneficial use of water 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 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 JUL 09 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department