

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT
3040 BIDDLE RD
MEDFORD 97504

SUPERSEDED BY
CERT. NO. 86842

confirms the right to use the waters of TWO SPRINGS, TRIBUTARIES OF KEENE CREEK; ONE SPRING, TRIBUTARY OF COTTONWOOD CREEK; AND TWO UNNAMED STREAMS, TRIBUTARIES OF KEENE CREEK for LIVESTOCK, WILDLIFE, AND INDUSTRIAL USE (FIRE PROTECTION AND ROAD OPERATIONS).

This right was perfected under Permit 53044. The date of priority is DECEMBER 29, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.0835 CUBIC FOOT PER SECOND (CFS) FROM LIVE FLOW, BEING 0.001 CFS FOR LIVESTOCK FROM EACH OF THE FIVE SOURCES, 0.0001 CFS FOR WILDLIFE FROM EACH OF THE FIVE SOURCES, AND 0.078 CFS FOR INDUSTRIAL USE. THE USE OF WATER FOR INDUSTRIAL USE SHALL NOT EXCEED 0.016 CFS FOR ROAD OPERATIONS, BEING 0.0078 CFS FROM EACH OF THE TWO UNNAMED STREAMS, AND 0.062 CFS FOR FIRE PROTECTION, BEING 0.0155 CFS FROM A SPRING TRIBUTARY OF COTTONWOOD CREEK, 0.0155 CFS FROM A SPRING TRIBUTARY OF KEENE CREEK, AND 0.0155 CFS EACH FROM TWO UNNAMED STREAMS, TRIBUTARIES OF KEENE CREEK, measured at the points of diversion.

The period of use is September 1 through June 30 from natural flow.

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

POD	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
COTTONWOOD	39 S	3 E	WM	8	SW NE	2470 FEET SOUTH & 2195 FEET WEST FROM NE CORNER, SECTION 8
NORTH KEENE	39 S	3 E	WM	9	SE NW	2080 FEET SOUTH & 1950 FEET EAST FROM NW CORNER, SECTION 9
OLD CABIN	39 S	3 E	WM	29	SE SW	120 FEET NORTH & 1830 FEET EAST FROM NW CORNER, SECTION 32
KEENE #2	39 S	3 E	WM	32	NW NW	50 FEET SOUTH & 490 FEET EAST FROM NW CORNER, SECTION 32
KEENE #3	39 S	3 E	WM	32	NW NW	335 FEET SOUTH & 430 FEET EAST FROM NW CORNER, SECTION 32

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:

Twp	Rng	Mer	Sec	Q-Q
39 S	3 E	WM	8	NE SE
39 S	3 E	WM	8	NW SE
39 S	3 E	WM	8	SW SE
39 S	3 E	WM	8	SE SE
39 S	3 E	WM	9	NE NE
39 S	3 E	WM	9	NW NE
39 S	3 E	WM	9	SW NE
39 S	3 E	WM	9	SE NE
39 S	3 E	WM	9	NE NW
39 S	3 E	WM	9	NW NW
39 S	3 E	WM	9	SW NW
39 S	3 E	WM	9	SE NW
39 S	3 E	WM	9	NE SW
39 S	3 E	WM	9	NW SW
39 S	3 E	WM	9	SW SW
39 S	3 E	WM	9	SE SW
39 S	3 E	WM	9	NE SE
39 S	3 E	WM	9	NW SE
39 S	3 E	WM	9	SW SE
39 S	3 E	WM	9	SE SE
39 S	3 E	WM	29	SW SW
39 S	3 E	WM	29	SE SW
39 S	3 E	WM	29	SW SE
39 S	3 E	WM	32	NE NE
39 S	3 E	WM	32	NW NE
39 S	3 E	WM	32	NE NW
39 S	3 E	WM	32	NW NW
39 S	3 E	WM	33	NE NE
39 S	3 E	WM	33	NW NE
39 S	3 E	WM	33	SW NE
39 S	3 E	WM	33	SE NE

Measurement, recording and reporting conditions:

- A. 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.
- B. 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.

Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system.

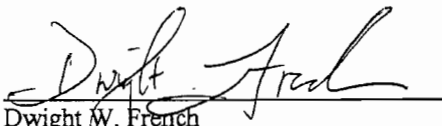
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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.

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

