

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT
777 NW GARDEN VALLEY BLVD
ROSEBURG OR 97470

confirms the right to use the waters of WHISTLE SPRINGS and WHISTLE SPRINGS POND RESERVOIR, CONSTRUCTED UNDER PERMIT R-12118, tributary to HUBBARD CREEK for FOREST MANAGEMENT AND RESERVOIR MAINTENANCE.

This right was perfected under Permit 53015. The date of priority is MAY 20, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.65 CUBIC FOOT PER SECOND (CFS) FROM LIVE FLOW, BEING 0.64 CFS FOR FOREST MANAGEMENT AND 0.01 CFS FOR MAINTENANCE OF WHISTLE SPRINGS POND RESERVOIR; AND 0.10 ACRE FOOT PER YEAR FROM LEGALLY STORED WATER or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is December 1 through April 30 from live flow; year round from legally stored water only.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	7 W	WM	5	NE NW	3 FEET SOUTH & 1148 FEET WEST FROM N1/4 CORNER, SECTION 5

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
26 S	7 W	WM	5	NE NW

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order.

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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. 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.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide 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 JAN 16 2013.


Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department