

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MORRIS HARDY PENZER  
 DANIELLE J. CHAMLET  
 10825 WEST EVENS CREEK ROAD  
 ROGUE RIVER OR 97537

confirms the right to use the waters of DITCH CREEK, tributary to PLEASANT CREEK, for IRRIGATION of 83.09 ACRES AND 1.5 ACRES-EQUIVALENT FOR POND MAINTENANCE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1877.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.063 CUBIC FEET PER SECOND (CFS), further limited to 1.043 CFS for IRRIGATION OF 83.09 ACRES AND 0.02 CFS for 1.5 ACRES-EQUIVALENT FOR POND MAINTENANCE, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Use
34 S	4 W	WM	29	SW SE	POD 2 (NEW) - 35 FEET NORTH AND 155 FEET EAST FROM N1/4 CORNER, SECTION 32	IRRIGATION AND POND MAINTENANCE
34 S	4 W	WM	33	SW NW	POD 3 (ORIGINAL) - 2040 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 33	POND MAINTENANCE

A description of the place of use is as follows:

IRRIGATION - POD 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	4 W	WM	32	NE NE	18.98
34 S	4 W	WM	32	NW NE	2.9
34 S	4 W	WM	32	SE NE	3.4
34 S	4 W	WM	33	NW NW	9.2
34 S	4 W	WM	33	SW NW	17.8
34 S	4 W	WM	33	SE NW	29.01
34 S	4 W	WM	33	NE SW	1.8

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

1.5 ACRES-EQUIVALENT POND MAINTENANCE – POD 2 AND POD 3				
Twp	Rng	Mer	Sec	Q-Q
34 S	4 W	WM	33	SW NW

The quantity of water diverted at the new and additional points of diversion shall not exceed the quantity of water lawfully available from the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	4 W	WM	29	SE SW	POD 1 - 125 FEET NORTH AND 140 FEET WEST FROM N1/4 CORNER, SECTION 32

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The water user shall maintain a fish screen or fish by-pass device, as appropriate, at all permanent diversion structures and pump sites.


The water user shall provide fish passage, according to the Oregon Department of Fish and Wildlife specifications, at existing downstream diversion dam (POD 3).

The water user shall leave a bypass flow of at least 0.217 CFS in Ditch Creek at POD 2; except at times when the flow at POD 2 is less than 1.063 CFS, the water user shall leave a bypass flow equal to 20 percent of the flow in the stream. The bypass flow shall be maintained in Ditch Creek from POD 2 downstream to where Ditch Creek intersects West Evans Creek Road.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm changes in POINT OF DIVERSION, PLACE OF USE, AND CHARACTER OF USE approved by an order of the Water Resources Director entered JAUARY 28, 2007, at Special Order Volume 74, Page 78, approving Transfer Application 9393, together with Certificate 83837 for CW-52, supercedes Certificate 44382, State Record of Water Right Certificates.

Issued JUN 06 2014

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