

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO STORE THE PUBLIC WATERS

This certificate issued to

L JOHN BORELLI III
BORELLI RANCH
DREWSEY, OREGON 97904

confirms the right to store water perfected under the terms of the permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-72939

PERMIT NUMBER: R-12188

SOURCE OF WATER: AN UNNAMED DRAINAGE, A TRIBUTARY OF WOLF CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK AND WILDLIFE

MAXIMUM STORAGE VOLUME: 2.5 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1
THROUGH MAY 31 OF EACH YEAR

DATE OF PRIORITY: NOVEMBER 4, 1992

The total area proposed to be submerged by the reservoir, when full is 1.0 AC; the proposed maximum depth of water in feet is 8.0 FT; the maximum height of the dam is 9.5 feet.

DAM LOCATION: SE 1/4 SE 1/4, SECTION 3, T 19 S, R 33.5 W, W.M.

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

R-72939.JKS

Certificate Number 81035

SE 1/4 SE 1/4
SECTION 3
TOWNSHIP 19 SOUTH, RANGE 33.5 EAST W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- 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.

The storage of water allowed herein is subject to the maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The riparian area shall be fenced to prevent livestock from entering the subject stream.

Prior to storage of any water, the water user shall develop a Natural Resource Conservation Service (NRCS) farm management plan. The plan shall be designed to minimize the impact of potential and past use of herbicides and pesticides, erosion and turbidity from overland runoff, potential groundwater contamination, flooding of the pond if located in the floodplain, and replanting the riparian zone.

STANDARD CONDITIONS

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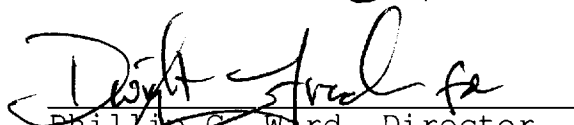
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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 December 30, 2004


Philip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 81035.