

## STATE OF OREGON

## COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

JOHN KLEINHOFF  
PO BOX 170  
BAKER CITY OR 97814

confirms the right to store water perfected under the terms of Permit R-14598. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-87060

SOURCE: FRENCH GULCH, TRIBUTARY TO BLUE CANYON

STORAGE FACILITY: FRENCH GULCH POND

PURPOSE or USE: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 2.1 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: APRIL 1 THROUGH APRIL 14

DATE OF PRIORITY: DECEMBER 20, 2007

DAM LOCATION / POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	39 E	WM	16	SE NE	150 FEET NORTH AND 660 FEET WEST FROM E1/4 CORNER, SECTION 16

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
10 S	39 E	WM	16	SE NE

**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.

## CONDITIONS OF USE

### 1. Measurement, recording and reporting:

A. The Director may require the water user to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion appropriation. 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 device(s). 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.

2. The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Director to satisfy prior downstream rights.
3. The water user shall pass all live flow outside the storage season described above.
4. Notwithstanding that ODFW 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.
5. 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, unless the water user has requested and been granted a fish passage waiver the Oregon Fish and Wildlife Commission. The water user is directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning of any in-channel obstruction.
6. This right does not provide for the appropriation of water for any out-of-reservoir uses, the maintenance of the water level, or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.
7. 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.
8. 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.
9. 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.
10. 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.

11. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Issued MAY 28 2010

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

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