

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRENT NISTLER
121 GENESSEE STREET
MEDFORD OR 97504

confirms the right to store water perfected under the terms of Permit R-14399 with the specific limits and conditions of the use listed below:

APPLICATION NUMBER: R-86646

SOURCE: UNNAMED STREAM, tributary to ROCK CREEK

STORAGE FACILITY: TYLER RESERVOIR

USE: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 9.0 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: December 1 – May 31

DATE OF PRIORITY: JULY 28, 2006

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	2 W	WM	29	SW SW	660 FEET NORTH AND 1630 FEET WEST FROM S1/4 CORNER, SECTION 29

The Area To Be Submerged:

M				
Twp	Rng	Mer	Sec	Q-Q
35 S	2 W	WM	29	SW SW

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device at each point of diversion 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.

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 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.

The use may be restricted if the quality of the source stream decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and by-pass devices, to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

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.

The water user shall pass all live flow outside the storage season described above.

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 purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

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.

This right does not authorize the water user to interfere with or affect adjacent property not under the ownership of the water user.

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Dwight W. French
Administrator Water Right Services Division, for
Thomas M. Byler, Director
Oregon Water Resources Department