

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

confirms the right to store water perfected under the terms of Permit R-11985. 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-81145

SOURCE: DONNER UND BLITZEN RIVER and UNNAMED SPRINGS, TRIBUTARIES OF MALHEUR LAKE WITHIN THE MALHEUR LAKE BASIN

STORAGE FACILITY: MUD CREEK BROOD POND

PURPOSE or USE: WETLAND ENHANCEMENT, WILDLIFE AND AQUATIC LIFE

MAXIMUM STORAGE VOLUME: 190.0 ACRE FEET

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD YEAR ROUND

DATE OF PRIORITY: MAY 10, 1996

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	GLot
32 S	32.5 E	WM	5	NW NE	2
32 S	32.5 E	WM	5	NE NW	3
32 S	32.5 E	WM	5	SE NW	

THE AREA SUBMERGED BY THE RESERVOIR IS AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	GLot
32 S	32.5 E	WM	5	NW NE	2
32 S	32.5 E	WM	5	SW NE	
32 S	32.5 E	WM	5	NE NW	3
32 S	32.5 E	WM	5	SE NW	
32 S	32.5 E	WM	5	NE SW	
32 S	32.5 E	WM	5	NW SE	

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.

Measurement, recording and reporting conditions:

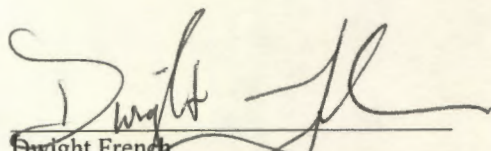
- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually 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 water user may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

CONDITIONS OF USE

- 1. The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.
- 2. The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.
- 3. 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.
- 4. 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.
- 5. 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 plans.
- 6. The storage 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 FEB 06 2015


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