

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL EBERLE  
U.S. FISH AND WILDLIFE SERVICE  
911 NE 11<sup>TH</sup> AVE  
PORTLAND, OR 97232

confirms the right to store water perfected under the terms of Permit R-13693. 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, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-85283

SOURCE: RUNOFF, TRIBUTARY TO SILVER CREEK

STORAGE FACILITY: WINDMILL RESERVOIR

PURPOSE OR USE OF THE STORED WATER: WILDLIFE REFUGE MANAGEMENT

MAXIMUM STORAGE VOLUME: 31.9 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: OCTOBER 1 THROUGH APRIL 30 OF EACH YEAR

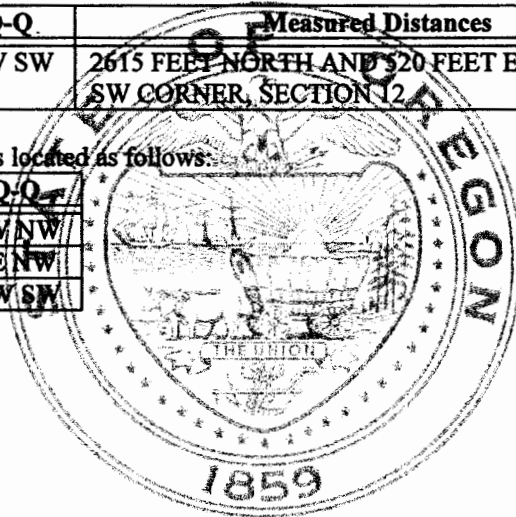
DATE OF PRIORITY: AUGUST 30, 2002

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	28 E	WM	12	NW SW	2615 FEET NORTH AND 520 FEET EAST FROM SW CORNER, SECTION 12

The area submerged by this reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q
26 S	28 E	WM	12	SW NW
26 S	28 E	WM	12	SE NW
26 S	28 E	WM	12	NW SW



**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 a 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 amount of water to be stored in Windmill Reservoir under this right, combined with the amount stored under permit G-15490, is limited to 31.9 acre-feet.

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 Water Resources 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 uses, 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.

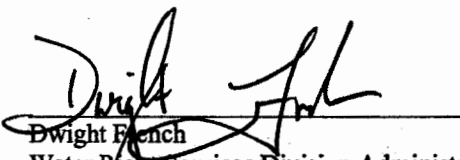
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the water user.

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued FEB 05 2016

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