

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PAUL ZEHR  
52747 COUNTY RD  
MILTON FREEWATER, OR 97862

confirms the right to use the waters of MUDDY CREEK, a tributary of EAST CHANNEL for IRRIGATION USE on 46.9 ACRES and SUPPLEMENTAL IRRIGATION USE on 12.9 ACRES.

This right was perfected under Permit S-54109. The date of priority is APRIL 19, 2004. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.58 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	4 W	WM	11	SW NE	NORTH DIVERSION - NORTH 44 DEGREES 22.091 MINUTES, WEST 123 DEGREES 8.225 MINUTES
14 S	4 W	WM	11	NW SE	SOUTH DIVERSION - NORTH 44 DEGREES 21.947 MINUTES, WEST 123 DEGREES 8.207 MINUTES

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	11	SW NE	1.3
14 S	4 W	WM	11	SE NE	24.1
14 S	4 W	WM	11	NE SE	16.0
14 S	4 W	WM	11	NW SE	5.5
Total					46.9

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 must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	4 W	WM	11	SW NE	0.5
14 S	4 W	WM	11	SE NE	12.4
Total					12.9

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device as approved by the Director in good working order.
- 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.
- C. 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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the Watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the Watermaster shall distribute the water according to the agreement.

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 certificate is issued to confirm that portion of the water right confirmed by Certificate 90947, State Record of Water Right Certificates, DIMINISHED by the provisions of an order of the Water Resources Director entered SEP 09 2016, approving Transfer Application T-12194. This certificate supersedes Certificate 90947.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed SEP 09 2016.

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

