

STATE OF OREGON
 COUNTY OF DOUGLAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MITCHELL HICKS
 KAY JOHNSTON
 1042 ASH CREEK RD
 RIDDLE OR 97469

confirms the right to store water perfected under the terms of Permit R-14860. 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 FILE NUMBER: R-87572

SOURCE OF WATER: MITCHELL CREEK (AKA ASH CREEK), TRIBUTARY OF SHOESTRING CREEK

STORAGE FACILITY: HOPE POND

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 1.0 ACRE-FOOT

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH JULY 31

DATE OF PRIORITY: JANUARY 26, 2010

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	5 W	WM	31	SE SW	3155 FEET SOUTH AND 2333 FEET WEST FROM NE CORNER, SWNE, SECTION 31

The reservoir is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	5 W	WM	31	NE SW	2200 FEET SOUTH AND 2300 FEET WEST FROM NE CORNER, SWNE, SECTION 31

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
30 S	5 W	WM	31	NE 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 operate a headgate (or pump) and a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion, and maintain the device(s) in good working order.
- B. The water user shall allow the watermaster access to the device(s); where a 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.

Any water appropriated shall be run through pipes or other enclosed devices and not open ditches to the point of use.

No water shall be appropriated by use of a dam across Mitchell Creek aka Ash Creek. The user of water may use a device which partially diverts Ask Creek, but shall not construct, nor make use of, nor allow a dam across the full width of Ash Creek.

The storage of water allowed herein is subject to the maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The water user shall not 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 by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

The water user shall maintain, and operate fish-screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

This right allows an annual appropriation (not to exceed the specified volume). This right does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional 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.

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.

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

Issued APR 14 2017



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