

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LINDA K MALLERY-MCLEAN  
DARRELL V MALLERY  
SANDRA MALLERY  
37991 HWY 414  
HALFWAY, OR 97834

confirms the right to the use of water perfected under the terms of Permit S-52617. 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: S-72092

SOURCE OF WATER: CLEAR CREEK, HOLBROOK CREEK AND AN UNNAMED DRAINAGE DITCH

TRIBUTARIES OF: PINE CREEK

PURPOSE OR USE: PRIMARY IRRIGATION OF 35.0 ACRES (5.0 ACRES FROM HOLBROOK CREEK AND AN UNNAMED DRAINAGE DITCH AND 30.0 ACRES FROM CLEAR CREEK AND AN UNNAMED DRAINAGE DITCH) AND SUPPLEMENTAL IRRIGATION OF 117.1 ACRES FROM HOLBROOK CREEK AND AN UNNAMED DRAINAGE DITCH

MAXIMUM RATE/VOLUME ALLOWED: 3.25 CUBIC FEET PER SECOND (CFS), BEING 0.75 CFS FROM CLEAR CREEK, 1.5 CFS FROM HOLBROOK CREEK AND 1.0 CFS FROM AN UNNAMED DRAINAGE DITCH

PERIOD OF USE: APRIL, MAY AND JUNE OF EACH YEAR

DATE OF PRIORITY: DECEMBER 23, 1991

**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.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	46 E	WM	19	SE NE	CLEAR CREEK (POD 5) - 1640 FEET SOUTH AND 910 FEET WEST FROM NE CORNER, SECTION 19
7 S	46 E	WM	31	NW NE	UNNAMED DRAINAGE DITCH (POD 1) - 2430 FEET NORTH AND 750 FEET EAST FROM C1/4 CORNER, SECTION 31
7 S	46 E	WM	31	NW NE	HOLBROOK CREEK (POD 2) - 1490 FEET NORTH FROM C1/4 CORNER, SECTION 31
7 S	46 E	WM	31	NW NE	HOLBROOK CREEK (POD 3) - 1370 FEET NORTH AND 210 FEET EAST FROM C1/4 CORNER, SECTION 31
7 S	46 E	WM	31	SW NE	HOLBROOK CREEK (POD 4) - 200 FEET NORTH AND 810 FEET EAST FROM C1/4 CORNER, SECTION 31

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
7 S	46 E	WM	31	NW NE	9.2	5
7 S	46 E	WM	31	NW NE	16.5	1 & 5
7 S	46 E	WM	31	NW NE	0.3	1 & 5
7 S	46 E	WM	31	SW NE	3.2	1 & 5
7 S	46 E	WM	31	SW NE	0.8	1 & 5
7 S	46 E	WM	31	NW SE	5.0	1, 2, 3, & 4

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
7 S	46 E	WM	31	NW NE	0.5	1 & 3
7 S	46 E	WM	31	NW NE	0.6	2
7 S	46 E	WM	31	NW NE	5.9	1
7 S	46 E	WM	31	SW NE	13.9	2
7 S	46 E	WM	31	SW NE	2.2	1, 2, 3, & 4
7 S	46 E	WM	31	SW NE	19.9	1 & 3
7 S	46 E	WM	31	NW SE	0.7	2
7 S	46 E	WM	31	NW SE	34.3	1, 2, 3, & 4
7 S	46 E	WM	31	SW SE	39.1	1, 2, 3, & 4

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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use of water shall be limited to the water available at the proposed point of diversion and shall not carry with it the right to compel the continuance of the waste water in the drain ditch.

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.

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.

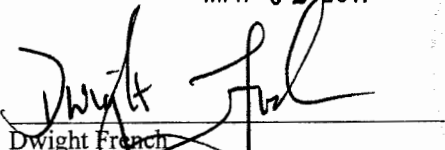
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued MAY 02 2017

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

