

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARTIN HERTLER
SANDRA HERTLER
5980 DEER CREEK RD
PO BOX 67
SELMA OR 97538

confirms the right to the use of water perfected under the terms of Permit S-35530. 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 points of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-5713,
A TRIBUTARY OF DEER CREEK

PURPOSE OR USE: DOMESTIC USE FOR ONE FAMILY AND SUPPLEMENTAL IRRIGATION OF 12.5 ACRES

MAXIMUM RATE: 0.26 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR DOMESTIC USE FROM
STREAM AND 0.25 CFS FROM STREAM AND RESERVOIR FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: AUGUST 14, 1970

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	10	SE NW	POD 1 - 1182 FEET NORTH AND 65 FEET WEST FROM C1/4 CORNER, SECTION 10
38 S	7 W	WM	10	SW NE	POD 2 - 600 FEET NORTH AND 300 FEET EAST FROM C1/4 CORNER, SECTION 10
38 S	7 W	WM	10	SW NE	POD 3 - 400 FEET NORTH AND 310 FEET EAST FROM C1/4 CORNER, SECTION 10

The amount of water used for irrigation, together was the amount secured under any other right existing for the same lands, shall be limited to one-fiftieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 3.5 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-5713, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

A description of the place of use is as follows:

DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
38 S	7 W	WM	10	SW NE

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	7 W	WM	10	SW NE	3.8
38 S	7 W	WM	10	NW SE	8.7

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

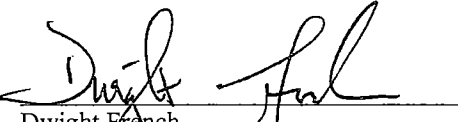
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	10	SE NW	POD 1 - 1200 FEET NORTH AND 30 FEET EAST FROM C1/4 CORNER, SECTION 10

The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

The right to the use of the water for the above purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered December 6, 2012, at Special Order Volume 88, Page 782, approving Transfer Application 11438 supercedes Certificate 49056, State record of Water Right Certificates.

Issued SEP 08 2017


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