

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD G. VOGEL
KIMBERLEY D. VOGEL
9500 NE MILL CREEK ROAD
PRINEVILLE OR 97754

confirms the right to the use of water perfected under the terms of Permit S-15605. The amount of water used to which such right is entitled is limited to the amount actually beneficially used for said purposes, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: MILL CREEK, A TRIBUTARY OF OCHOCO CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 45.0 ACRES

MAXIMUM RATE: 0.44 CUBIC FOOT PER SECOND

DATE OF PRIORITY: SEPTEMBER 11, 1943

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	17 E	WM	35	NW SE	POD 1 - 35 FEET SOUTH AND 80 FEET WEST FROM NE CORNER, NWSE, SECTION 35
14 S	17 E	WM	2	SE NW	POD 2 - 2010 FEET SOUTH AND 2390 FEET EAST FROM NW CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated throughout the irrigation season; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, 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 under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SUPPLEMENTAL IRRIGATION							
POD #	Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1	13 S	17 E	WM	35	SE SW		8.9
1	13 S	17 E	WM	35	NW SE		9.9
1	13 S	17 E	WM	35	SW SE		9.1
1	14 S	17 E	WM	2	NW NE	2	2.2
1, 2	14 S	17 E	WM	2	NW NE	2	1.5
1	14 S	17 E	WM	2	NE NW	3	4.4
1, 2	14 S	17 E	WM	2	NE NW	3	9.0

Water use measurement conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter or other suitable measuring device as approved by the Director at each new point of diversion.
- B. The water user shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

The quantity of water diverted at the new points 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
13 S	17 E	WM	35	SE NE

The water user shall operate and maintain the fish screen at the new point of diversion consistent with Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards. If 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 purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm changes in POINT OF DIVERSION and PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 7, 2016, at Special Order Volume 103, Page 374, approving Transfer Application 12173, supersedes Certificate 17105, State Record of Water Right Certificates.

Issued MAR 05 2020.

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