

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM HAMEL
2357 HILLSIDE RD
RICHFIELD WI 53076

confirms the right to store water perfected under the terms of Permit R-15256. 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-87409

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF HORSESHOE CREEK

STORAGE FACILITY: SIX SHOOTER RANCH POND

PURPOSE OR USE OF THE STORED WATER: STORAGE FOR FISH, WILDLIFE, AND RECREATION

MAXIMUM STORAGE VOLUME: 60.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH APRIL 14

DATE OF PRIORITY: MARCH 5, 2009

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	23 E	WM	27	SW SE	50 FEET NORTH AND 2340 FEET WEST FROM SE CORNER, SECTION 27

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
10 S	23 E	WM	27	SE SW
10 S	23 E	WM	27	SW SE
10 S	23 E	WM	34	NW NE
10 S	23 E	WM	34	NE NW

Measurement, recording, and reporting conditions:

- A. The water user must maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool storage in good working order in the reservoir.

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.

- B. The water user shall allow the watermaster access to the device; provided however, where any 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 stored, and may require the water user to report water storage 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.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and 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 to be recorded on a specified periodic basis and reported to the Department annually or more frequently.

This right allows an annual appropriations (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 conditions. 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.

Diversion of water under this right is contingent on designated scenic water way flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, Oregon, gage 14048000, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows are subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

John Day Scenic Waterway	
Month	Minimum Flow (cfs)
December 1 – January 31	500
February 1 – February 29	1000
March 1 – April 14	2000

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

DAM CONDITONS

Routine maintenance or repair of the dam, its conduits and all appurtenant structures shall be performed to include, but not limited to, removal of woody or high vegetation from the embankment, abutments, removal of debris from the reservoir, and annual or more frequent cycling of the valve or gate for the low level conduit.

Repair or replacement of defective or worn-out equipment (including but not limited to gates, valves, and conduits) shall be completed as needed to keep the dam safe.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety Program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

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.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state and federal water quality standards due to reduced flows.

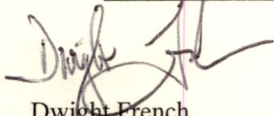
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued NOV 20 2020.



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

