

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRAD BOUCHER
2300 COLSTIN RD
ASHLAND OR 97520

confirms the right to the use of water perfected under the terms of Permit S-53525. 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-72266

SOURCE OF WATER: MILL CREEK AND FOUR UNNAMED RESERVOIRS, TO BE CONSTRUCTED UNDER APPLICATION R-72269, TRIBUTARIES OF COTTONWOOD CREEK

PURPOSE or USE: SUPPLEMENTAL IRRIGATION OF 7.7 ACRES AND NURSERY OPERATIONS ON 0.03 ACRE

MAXIMUM RATE/VOLUME ALLOWED: MILL CREEK - 0.005 CFS FOR NURSERY OPERATIONS ON 0.03 ACRE. FOUR UNNAMED RESERVOIRS - A CUMULATIVE TOTAL OF 4.1 AF, BEING 4.1 AF FOR SUPPLEMENTAL IRRIGATION OF 7.7 ACRES AND 0.3 AF FOR NURSERY OPERATIONS ON 0.03 ACRES.

PERIOD OF USE: SUPPLEMENTAL IRRIGATION - MARCH 1 THROUGH OCTOBER 31 FROM FOUR UNNAMED RESERVOIRS. NURSERY OPERATIONS - MARCH 1 THROUGH OCTOBER 31 FROM MILL CREEK AND YEAR ROUND FROM RESERVOIR 1. **WATER MAY NOT BE DIVERTED FROM MILL CREEK BETWEEN NOVEMBER 1 AND FEBRUARY 28 OF EACH YEAR.**

DATE OF PRIORITY: MARCH 20, 1992

The dams/outlets are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	1 E	WM	11	NE NW	MILL CREEK POD - 1000 FEET SOUTH AND 3980 FEET WEST FROM NE CORNER, SECTION 11
41 S	1 E	WM	12	NE SW	RES 2 OUTLET - 820 FEET SOUTH AND 1775 FEET WEST FROM CE1/16 CORNER, SECTION 12
41 S	1 E	WM	12	NW SW	RES 1 OUTLET - 700 FEET SOUTH AND 2930 FEET WEST FROM CE1/16 CORNER, SECTION 12
41 S	1 E	WM	12	SE SW	RES 3 DAM - 1750 FEET SOUTH AND 2270 FEET WEST FROM CE1/16 CORNER, SECTION 12
41 S	1 E	WM	12	SE SW	RES 4 DAM - 1670 FEET SOUTH AND 1680 FEET WEST FROM CE1/16 CORNER, SECTION 12

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 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 3.0 acrefeet for each acre irrigated during the irrigation season of each year.

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet per acre during the irrigation season of each year.

A description of the place of use is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Reservoir
41 S	1 E	WM	12	NE SW	0.1	1
41 S	1 E	WM	12	NE SW	2.5	2
41 S	1 E	WM	12	NW SW	1.1	1
41 S	1 E	WM	12	SW SW	1.1	3
41 S	1 E	WM	12	SE SW	0.7	3
41 S	1 E	WM	12	SE SW	2.2	4

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	Acres	Reservoir
41 S	1 E	WM	12	NW SW	0.03	1

Measurement, recording, and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- 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 water master 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 use, and the place and nature of the 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.

The water user shall maintain and operate fish screening to prevent fish from entering the diversion.

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

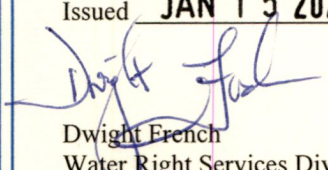
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

If it is determined there are no underlying rights for these same lands after the adjudication of claims in the Klamath Basin, a certificate resulting from use of water under this right may allow primary, rather than supplemental, irrigation of the lands described above. However, the right evidenced by such a certificate will be limited to the actual use made under this right.

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

Issued **JAN 15 2021**


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

