

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GREG SILBERNAGEL
SARAH SILBERNAGEL
3660 SW HOUTAMA RD
PENDLETON OR 97801

confirms the right to use the waters of MCKAY CREEK, A TRIBUTARY OF THE UMATILLA RIVER, for IRRIGATION of 31.2 ACRES OF LAND, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1880.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.39 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 N	32 E	WM	16	NW NW		FANNING DITCH (ORIGINAL)
2 N	32 E	WM	8	SE SE	38	POD 1 (ADDITIONAL) - 70 FEET NORTH AND 1305 FEET WEST FROM SE CORNER, DLC 38
2 N	32 E	WM	8	SE SE	38	POD 2 (ADDITIONAL) - 340 FEET NORTH AND 1580 FEET WEST FROM SE CORNER, DLC 38
2 N	32 E	WM	8	SE SE	38	POD 3 (ADDITIONAL) - 480 FEET NORTH AND 1815 FEET WEST FROM SE CORNER, DLC 38

The amount of water used for irrigation is subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in the said decree.

A description of the place of use is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 N	32 E	WM	8	SE SE	38	16.2
2 N	32 E	WM	9	SW SW	38	15.0

DOMESTIC AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	DLC
2 N	32 E	WM	8	SE SE	38
2 N	32 E	WM	9	SW SW	38

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.

The quantity of water diverted at the additional points of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

A head gate and staff plate exist on the Fanning Ditch POD, these works shall be maintained and in good working order. However, should the Department find the devices ineffective, the Department may require additional measuring devices at this POD.

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meters or measuring devices, as approved by the Director, in good working order, at each new point of diversion.
- B. One flow meter is sufficient if the water user is using one portable pump on rotation between the POD's. However, if the water user has 3 pump stations, then separate flow meters are required for each pump station.
- C. 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 water user shall operate and maintain the fish screen at the new points of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.

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

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered September 28, 2017, at Special Order Volume 105, Page 874, approving Transfer Application T-12544, and together with Certificate 93346, supercedes Certificate 81633, State record of Water Right Certificates.

Issued **JUN 25 2021**



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