

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DON RATHBURN
PO BOX 991
MYRTLE CREEK OR 97457

confirms the right to the use of water perfected under the terms of Permit S-36512. 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.

SOURCE OF WATER: NORTH MYRTLE CREEK, A TRIBUTARY OF MYRTLE CREEK

PURPOSE OR USE: IRRIGATION OF 5.1 ACRES

MAXIMUM RATE: 0.06 CUBIC FOOT PER SECOND

DATE OF PRIORITY: APRIL 11, 1972

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	4 W	WM	33	SE SE	214 FEET NORTH AND 186 FEET WEST FROM SE CORNER, SECTION 33

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	4 W	WM	33	SE SE	5.13

The water user shall not construct, operate, or maintain any dam or artificial obstruction to fish passage without obtaining approval from ODFW. The water user shall contact an ODFW Fish Passage Coordinator prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow.

The water user shall operate and maintain the fish screen at the proposed point of diversion consistent with ODFW's 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 the Department regulate the use of water until the Department (OWRD) receives notification from ODFW that the fish screen is functioning properly.

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 use of the water from the point of diversion shall be limited to the time period of May 1 to October 31 of each year.

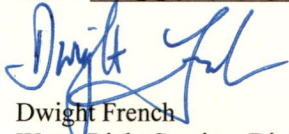
Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meter or another suitable measuring devices, as approved by the Director, in good working order, at each new point of diversion.
- 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 watermaster shall request access upon reasonable notice.

The right to the use of the water for the 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 January 30, 2018, at Special Order Volume 107, Page 519, approving Transfer Application T-12166, and together with Certificate 93333, supercedes Certificate 48868, State record of Water Right Certificates.

Issued OCT 15 2021.



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