

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID A. ROGERS
26366 GAP RD
BROWNSVILLE OR 97327

confirms the right to store water perfected under the terms of Permit R-15290. 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-88284

SOURCE OF WATER: PIERCE CREEK, TUB RUN, AND RUNOFF, TRIBUTARIES TO LITTLE MUDDY CREEK

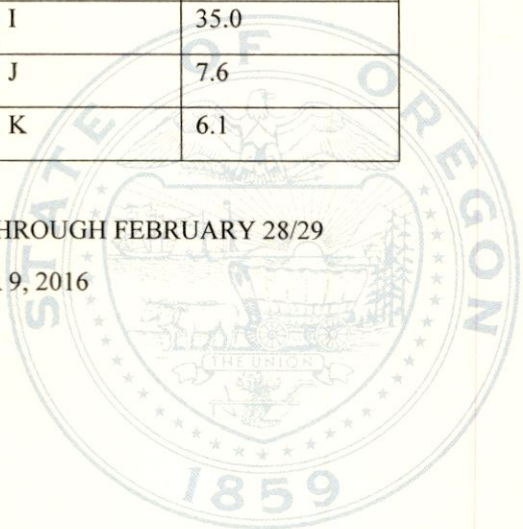
PURPOSE OR USE: STORAGE FOR IN-RESERVOIR IRRIGATION

MAXIMUM STORAGE VOLUME: 212.1 ACRE-FEET, LIMITED AS FOLLOWS:

| RESERVOIR NAME | TOTAL ACRE-FEET | RESERVOIR NAME | TOTAL ACRE-FEET |
|-------------------|--------------------|-------------------|--------------------|
| A/B | 9.5 | G | 29.3 |
| C | 28.1 | H | 26.4 |
| D | 11.8 | I | 35.0 |
| E | 41.9 | J | 7.6 |
| F | 16.4 | K | 6.1 |

PERIOD OF USE: NOVEMBER 1 THROUGH FEBRUARY 28/29

DATE OF PRIORITY: SEPTEMBER 9, 2016



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 points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Measured Distances |
|------|-----|-----|-----|-------|------|-----|---|
| 15 S | 3 W | WM | 2 | SW NE | | 38 | TUB RUN -1405 FEET SOUTH AND 3315 FEET EAST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 2 | NW SW | | 41 | PIERCE CREEK -3620 FEET SOUTH AND 860 FEET EAST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 2 | NE NW | | 38 | RES I - 1210 FEET SOUTH AND 1620 FEET EAST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 2 | NE NW | | 38 | RES J - 1170 FEET SOUTH AND 2395 FEET EAST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 2 | SW NW | 3 | | RES H - 1335 FEET SOUTH AND 420 FEET EAST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 2 | SE NW | 2 | | RES K - 1550 FEET SOUTH AND 1370 FEET EAST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 3 | SE NE | 1 | | RES F - 1505 FEET SOUTH AND 840 FEET WEST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 3 | SE NE | 1 | | RES G - 1565 FEET SOUTH AND 185 FEET WEST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 3 | SE NE | | 41 | RES A/B - 1670 FEET SOUTH AND 790 FEET WEST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 3 | SE NE | | 41 | RES C - 2280 FEET SOUTH AND 850 FEET WEST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 3 | SE NE | | 41 | RES D - 2290 FEET SOUTH AND 75 FEET WEST FROM NW CORNER, SECTION 2 |
| 15 S | 3 W | WM | 3 | NE SE | | 41 | RES E - 2900 FEET SOUTH AND 55 FEET WEST FROM NW CORNER, SECTION 2 |

The place of use is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres | Res |
|------|-----|-----|-----|-------|------|-----|-------|-----------|
| 15 S | 3 W | WM | 2 | NW NE | | 38 | 4.2 | I, J |
| 15 S | 3 W | WM | 2 | SW NE | | 38 | 0.5 | J |
| 15 S | 3 W | WM | 2 | SW NE | 1 | | 1.8 | K |
| 15 S | 3 W | WM | 2 | NE NW | | 38 | 31.3 | H, I, J |
| 15 S | 3 W | WM | 2 | NW NW | | 38 | 11.8 | H |
| 15 S | 3 W | WM | 2 | NW NW | 4 | | 9.9 | G, H |
| 15 S | 3 W | WM | 2 | SW NW | 3 | | 3.7 | G, H |
| 15 S | 3 W | WM | 2 | SW NW | | 38 | 1.2 | H |
| 15 S | 3 W | WM | 2 | SW NW | | 41 | 21.9 | C, D, E |
| 15 S | 3 W | WM | 2 | SE NW | | 38 | 1.9 | H, I, J |
| 15 S | 3 W | WM | 2 | SE NW | 2 | | 3.0 | K |
| 15 S | 3 W | WM | 2 | NW SW | | 41 | 19.8 | D, E |
| 15 S | 3 W | WM | 3 | NE NE | 7 | | 21.6 | F, G |
| 15 S | 3 W | WM | 3 | SE NE | 1 | | 4.1 | F, G |
| 15 S | 3 W | WM | 3 | SE NE | | 41 | 15.6 | A/B, C, D |
| 15 S | 3 W | WM | 3 | NE SE | | 41 | 13.4 | C, D, E |

Measurement, recording and reporting conditions:

- A. The water user shall maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool in the reservoir in good working order. If no dead-pool, the gage must measure the full depth of the reservoir.

- 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 water user shall keep a complete record of the volume of water stored each month and shall submit a report which includes water-storage measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including 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.

There shall be no direct discharge from ponds to Pierce Creek or Tub Run. The water user shall land-apply water drained from the ponds.

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 be recorded on a specific periodic basis and reported to the Department annually or more frequently.

This right allows an annual appropriation (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 condition. 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 fresh water condition, an additional water right is required.

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.

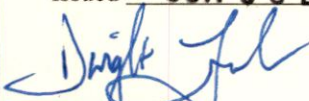
The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meets state or federal water quality standards due to reduced flows.

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

Issued JUN 03 2022



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