

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 the use of water perfected under the terms of Permit S-55110. 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-88285

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

PURPOSE or USE: POND MAINTENANCE

MAXIMUM RATE/VOLUME: 0.625 CUBIC FOOT PER SECOND; 54.5 ACRE-FEET

PERIOD OF USE: PIERCE CREEK AND TUB RUN OCTOBER 15 – FEBRUARY 28/29 OF EACH YEAR; RUNOFF WHEN AVAILABLE

DATE OF PRIORITY: SEPTEMBER 9, 2016

The point of diversion is 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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
15 S	3 W	WM	2	NW NE		38	4.2
15 S	3 W	WM	2	SW NE		38	0.5
15 S	3 W	WM	2	SW NE	1		1.8
15 S	3 W	WM	2	NE NW		38	31.3
15 S	3 W	WM	2	NW NW		38	11.8
15 S	3 W	WM	2	NW NW	4		9.9
15 S	3 W	WM	2	SW NW	3		3.7

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.

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
15 S	3 W	WM	2	SW NW		38	1.2
15 S	3 W	WM	2	SW NW		41	21.9
15 S	3 W	WM	2	SE NW		38	1.9
15 S	3 W	WM	2	SE NW	2		3.0
15 S	3 W	WM	2	NW SW		41	19.8
15 S	3 W	WM	3	NE NE	7		21.6
15 S	3 W	WM	3	SE NE	1		4.1
15 S	3 W	WM	3	SE NE		41	15.6
15 S	3 W	WM	3	NE SE		41	13.4

The water user shall maintain and operate fish screening devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion.

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.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 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 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 the use of the water for the above purpose is restricted to beneficial use on 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