

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

DAVID BORGWARDT
13525 SW 31ST ST
BEAVERTON OR 97008

Confirms the right to the use of water perfected under the terms of Permit R-14629. 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-87160

SOURCE OF WATER: RUNOFF, TRIBUTARY TO MELVINA CREEK

STORAGE FACILITY: BORGWARDT RESERVIOR

MAXIMUM VOLUME: 0.3 ACRE-FOOT

DATE OF PRIORITY: APRIL 29, 2008

WATER MAY BE APPROPRIATED DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized point of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	22 E	WM	22	SW SE	1120 FEET SOUTH AND 1050 FEET EAST FROM C1/4 CORNER, SECTION 22

Area Submerged:

Twp	Rng	Mer	Sec	Q-Q
10 S	22 E	WM	22	NW SE
10 S	22 E	WM	22	SW SE

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.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a staff gauge or other suitable measuring device (s) as approved by the Department. If the Director notifies the water user to install a measuring device (s), the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the devices. The Director may provide an opportunity for the water user to submit alternative measurement procedures for review and approval.
- B. 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 water-use and the place and nature of 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 use of water allowed herein may be made only at times when waters from Shoofy creek would not otherwise flow into a tributary of the John Day River, or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside of the storage season described above.

The water user shall not construct, operate, or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

This right allows one fill of the reservoir annually (up to 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 used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at the time of issuance, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish

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.

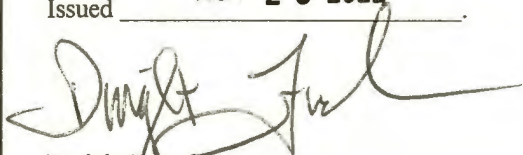
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

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

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

Issued **NOV 25 2022**

A handwritten signature in dark ink, appearing to read "Dwight French", written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department