

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MICHAEL D. TYRHOLM
3510 COLLIER LANE
KLAMATH FALLS OR 97603

DIANE CROSS TYRHOLM
3510 COLLIER LANE
KLAMATH FALLS OR 97603

confirms the right to the use of water perfected under the terms of Permit S-53428. 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-72129

SOURCE OF WATER: RICHARD SMITH RESERVOIR, CONSTRUCTED UNDER PERMIT R-3511 AND PERMIT R-12503, TRIBUTARY TO RATTLESNAKE CREEK; AND MILLER CREEK, TRIBUTARY TO THE LOST RIVER

PURPOSE or USE: IRRIGATION OF 170.7 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 4.27 CUBIC FEET PER SECOND FROM MILLER CREEK AND NO MORE THAN 512.1 ACRE-FEET OF STORED WATER FROM RICHARD SMITH RESERVOIR

PERIOD OF USE: MARCH 1 THROUGH APRIL 14 FROM MILLER CREEK AND MARCH 1 THROUGH SEPTEMBER 30 FROM RICHARD SMITH RESERVOIR

DATE OF PRIORITY: JANUARY 8, 1992, FOR 150.1 ACRES AND AUGUST 12, 1996, FOR 20.6 ACRES

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 40 S | 14 E | WM | 5 | NW NE | MILLER CREEK (POD 1) - 900 FEET SOUTH AND 1380 FEET WEST FROM NE CORNER, SECTION 5 |
| 40 S | 14 E | WM | 16 | SW NW | RICHARD SMITH RESERVOIR (POD 2) - 1700 FEET SOUTH AND 338 FEET EAST FROM NW CORNER, SECTION 16 |

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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.

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q | Acres |
|------|------|-----|-----|-------|-------|
| 40 S | 14 E | WM | 8 | NE SW | 12.0 |
| 40 S | 14 E | WM | 8 | NW SE | 8.4 |
| 40 S | 14 E | WM | 8 | SW SE | 11.4 |
| 40 S | 14 E | WM | 17 | NW NE | 18.0 |
| 40 S | 14 E | WM | 17 | SW NE | 28.0 |
| 40 S | 14 E | WM | 17 | SE NE | 9.2 |
| 40 S | 14 E | WM | 17 | NE SE | 34.4 |
| 40 S | 14 E | WM | 17 | NW SE | 10.9 |
| 40 S | 14 E | WM | 17 | SE SE | 38.4 |

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device as approved by the Director, in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use 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 on the right.
- 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.

For the Miller Creek diversion, the water user shall maintain and operate fish screening 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.

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.

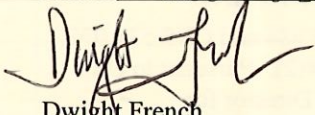
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

THIS CERTIFICATE IS ISSUED TO CORRECT A SCRIVENER'S ERROR REGARDING THE MAILING ADDRESS AND SUPERSEDES CERTIFICATE 97750.

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

Issued AUG 30 2024.



Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department