

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BRIAN RESSLER
16311 PARADISE VALLEY LANE
MORGAN HILL CA 95037

confirms the right to the use of water perfected under the terms of Permit S-54863. 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-87641

SOURCE OF WATER: APPELGATE RESERVOIR, CONSTRUCTED UNDER PERMIT R-7810, A TRIBUTARY OF APPELGATE RIVER AND RESERVOIR 1, CONSTRUCTED UNDER PERMIT R-15024, A TRIBUTARY OF APPELGATE RIVER

PURPOSE or USE: IRRIGATION OF 15.9 ACRES, SUPPLEMENTAL IRRIGATION OF 14.15 ACRES AND TEMPERATURE CONTROL

MAXIMUM VOLUME: 49.0 ACRE-FEET (AF) EACH YEAR, BEING 40.0 AF FROM APPELGATE RESERVOIR FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, AND 9.0 AF FROM RESERVOIR 1, FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, AND TEMPERATURE CONTROL.

PERIOD OF USE:

APRIL 1 THROUGH OCTOBER 31 – IRRIGATION AND SUPPLEMENTAL IRRIGATION FROM APPELGATE RESERVOIR

MARCH 1 THROUGH OCTOBER 31 – IRRIGATION AND SUPPLEMENTAL IRRIGATION FROM RESERVOIR 1

YEAR ROUND – TEMPERATURE CONTROL FROM RESERVOIR 1

DATE OF PRIORITY: JULY 19, 2010

POINT OF DIVERSION/RE-DIVERSION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	4 W	WM	6	NE NE	RESERVOIR 1 - 550 FEET SOUTH AND 510 FEET WEST FROM NE CORNER, SECTION 6
38 S	4 W	WM	6	SE SW	APPELGATE RESERVOIR - 850 FEET NORTH AND 1450 FEET EAST FROM SW CORNER, SECTION 6

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 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-EIGHTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
38 S	4 W	WM	6	NE NE		6.50
38 S	4 W	WM	6	NW NE	1	9.40

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
37 S	4 W	WM	31	SE SE		0.75
38 S	4 W	WM	6	NE NE		2.00
38 S	4 W	WM	6	NW NE	1	11.40

TEMPERATURE CONTROL					
Twp	Rng	Mer	Sec	Q-Q	GLot
37 S	4 W	WM	31	SE SE	
38 S	4 W	WM	6	NE NE	
38 S	4 W	WM	6	NW NE	1

Measurement devices, and recording/reporting of annual water use conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter at each point of diversion/re-diversion.
- 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 diverted each month, and shall submit a report which includes 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 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.

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

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.

The use of stored water for Applegate Reservoir under this right is subject to the terms and conditions of contract No. 149E101831, or a satisfactory replacement, between the Bureau of Reclamation and the water user, a copy which must be on file in the records of the Water Resources Department.

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 decrease to the point that those waters no longer meet existing 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 MAY 02 2025.



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

