

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ALLEN VOLKER
20067 ABIQUA RD N
SCOTTS MILLS, OREGON 97375

confirms the right to store the waters of ECO CREEK, a tributary of ABIQUA CREEK, in RESERVOIRS 1 AND 2, for WILDLIFE AND FISH.

The right to store these waters was perfected under Reservoir Permit R-11687. The date of priority is DECEMBER 9, 1994. The amount of water entitled to be stored each year under this right is not more than 1.92 acre-feet; being 1.9 acre-feet in Reservoir 1 and 0.02 acre-foot in Reservoir 2. The appropriation of water for storage is limited to the period of December 1 through April 30 of each year.

The reservoir is located as follows:

NW 1/4 NE 1/4
SECTION 11
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, 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 meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring 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 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.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The water user may be required in the future to install, maintain, and operate fish screening and bypass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

If the riparian area is disturbed in the process of developing a point of diversion, the water user shall be responsible for restoration and enhancement of such riparian are to the satisfaction of the Oregon Department of Fish and Wildlife.

The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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

WITNESS the signature of the Water Resources Director, affixed JANUARY 31, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76395.