

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID A. & JUDITH R. MADSEN
P.O. BOX 219
BANKS, OREGON 97106

confirms the right to store the waters of THREE UNNAMED STREAMS, a tributary of PARK FARMS CREEK, in THREE UNNAMED RESERVOIRS, to be maintained under Permit 52264, for FISH CULTURE.

The right to store these waters was perfected under Reservoir Permit R-11800. The date of priority is AUGUST 15, 1994. The amount of water entitled to be stored each year under this right is not more than 2.1 acre-feet(AF); being 1.0 AF in Reservoir No. 1, 0.7 AF in Reservoir No. 2 and 0.4 AF in Reservoir No. 3. The appropriation of water for storage is limited to **November 1 through April 30 of each year.**

The reservoir are located as follows:

NE 1/4 SW 1/4
SECTION 27
TOWNSHIP 2 NORTH, RANGE 4 WEST, 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 water user shall install, maintain, and operate upstream fish ways, fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversions. The required upstream fish ways, screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

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 storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of eight inches.

Failure to comply with any of the provision of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

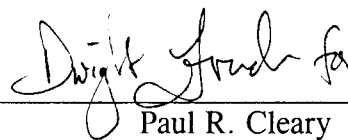
The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director of the Water Resources Department finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed JUNE 29, 2001.


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76986.