

STATE OF OREGON
COUNTY OF JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KELLY BRUUN
4335 SW HUMPHREY BLVD.
PORTLAND, OR 97221

confirms the right to store the waters of NEWBILL CREEK, a tributary of WILLOW CREEK, in HAARBERG POND, for WILDLIFE, AQUATIC LIFE AND EROSION CONTROL.

The right to store these waters was perfected under Reservoir Permit R-13316. The date of priority is JULY 26, 2001. The amount of water entitled to be stored each year under this right is not more than 7.2 ACRE-FEET. The appropriation of water for storage is limited to the period of MARCH 1 through APRIL 30 of each year.

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4
SECTION 34
TOWNSHIP 12 SOUTH, RANGE 15 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
- 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.
- C. 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 permit. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

The water user shall maintain and operate fish screening to prevent fish from entering the diversion. The water user shall also maintain a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The Water user may provide evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW.

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.

Water may be diverted into storage only during periods of high flow.

Maximum fill rate for this reservoir shall be 0.182 cubic foot per second, to avoid impact to the natural hydrograph and detrimental effects on fishery resources downstream.

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

This right does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

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.

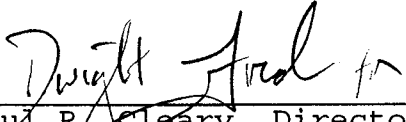
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

This right does not authorize the water user to pursue this right in such a way as to interfere with or affect adjacent property not under ownership of the water right holder.

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

Issued July 1, 2003


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this right, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.



Recorded in State Record of Water Right Certificates Number 80092.

R-84818.DIP