

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 use the waters of THREE UNNAMED STREAMS, tributaries of PARK FARMS CREEK, for MAINTENANCE OF THREE PONDS CONSTRUCTED UNDER PERMIT R-11800, FOR FISH CULTURE.

This right was perfected under Permit 52264. The date of priority is SEPTEMBER 13, 1995. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND (CFS); being 0.01 CFS FROM EACH STREAM, or its equivalent in case of rotation, measured at the point of diversion from the source. The appropriation of water for maintenance of the reservoirs is limited to **December 31 through April 30 of each year.**

The point of diversion is located as follows:

STREAM NO. 1 - NE 1/4 SW 1/4, SECTION 27, TOWNSHIP 2 NORTH, RANGE 4 WEST, W.M.; 1460 FEET NORTH AND 2475 FEET EAST, FROM THE SW CORNER OF SECTION 27;

STREAM NO. 2 - NE 1/4 SW 1/4, SECTION 27, TOWNSHIP 2 NORTH, RANGE 4 WEST, W.M.; 1580 FEET NORTH AND 2440 FEET EAST, FROM THE SW CORNER OF SECTION 27; AND

STREAM NO. 3 - NE 1/4 SW 1/4, SECTION 27, TOWNSHIP 2 NORTH, RANGE 4 WEST, W.M.; 1740 FEET NORTH AND 1910 FEET EAST, FROM THE SW CORNER OF SECTION 27.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4
SECTION 27
TOWNSHIP 2 NORTH, RANGE 4 WEST, W.M.

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.

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.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

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 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.

This certificate is issued to correctly describe the location of the point of diversion for Stream No. 3 and supersedes Certificate 76987.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

Issued August 27, 2003.



Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80158.

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