

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD C. OWEN
2378 NW HOLLY PLACE
ALBANY, OR 97321

confirms the right to store the waters of WINTER CREEK AND SOAP CREEK, a tributaries of LUCKIAMUTE RIVER, in SEVEN RESERVOIRS for WETLAND ENHANCEMENT FOR WATERFOWL HABITAT.

The right to store these waters was perfected under Reservoir Permit R-11475. The date of priority is JANUARY 11, 1993. The amount of water entitled to be stored each year under this right is not more than 18.888 ACRE-FEET (AF); BEING 9.29 AF IN RESERVOIR 1, 1.27 AF IN RESERVOIR 2, 1.5 AF IN RESERVOIR 3, 1.64 AF IN RESERVOIR 4, 1.455 AF IN RESERVOIR 5, 3.34 AF IN RESERVOIR 6, AND 0.393 AF IN RESERVOIR 7.

The reservoirs are located as follows:

SW 1/4 SW 1/4
SECTION 6

NE 1/4 NE 1/4
AS PROJECTED WITHIN WILES DLC 62
SECTION 7
TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.

SE 1/4 SE 1/4
SECTION 1

NE 1/4 NE 1/4
AS PROJECTED WITHIN WILES DLC 42
SECTION 12
TOWNSHIP 10 SOUTH, RANGE 5 WEST, W.M.

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

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 8 inches.

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.

A regulating device shall be installed pursuant to ORS 540.310. The device is required between Winter Creek and the reservoirs.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded 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.
- 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.

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

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. Routine maintenance of the embankment shall be performed as necessary to remove trees, brush, debris and/or burrowing animals.

The dam and dike works shall be constructed and maintained according to the plans and specifications on file with the Oregon Water Resources Department, approved and dated on May 26, 1993.

Under no circumstances, when the reservoirs are being filled, will the streams be de-watered.

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.

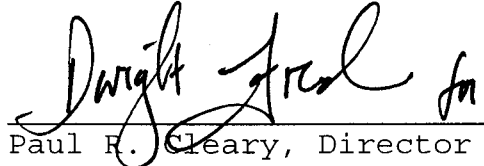
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

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

Issued June 17, 2003.



Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80350.

R-73159.SB