

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TROY E. CUMMINS
MALLARD CREEK LLC
31221 OSPREY ROAD
LEBANON, OREGON 97355

confirms the right to store the waters of AN UNNAMED STREAM, a tributary of HAMILTON CREEK, in HERON RESERVOIR, for WETLAND ENHANCEMENT.

The right to store these waters was perfected under Reservoir Permit R-12157. The date of priority is SEPTEMBER 9, 1996. The amount of water entitled to be stored each year under this right is not more than 8.0 acre-feet. Water may only be appropriated for storage during the period of November 1 through June 30 of each year.

The reservoir is located as follows:

SW 1/4 NW 1/4
AS PROJECTED WITHIN MOORE DLC 44
SECTION 22
TOWNSHIP 12 SOUTH, RANGE 1 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.

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.

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.

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.

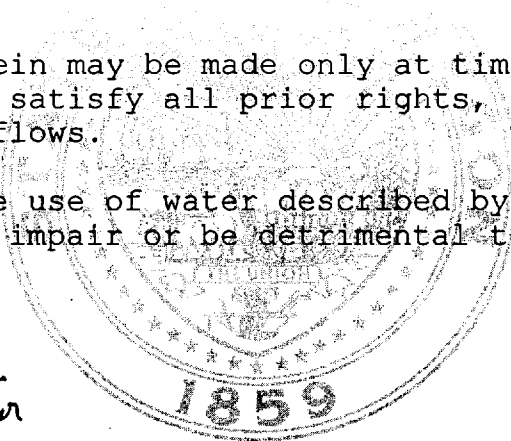
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 July 22, 2004.


Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80830.

R-81497.SB