

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This certificate issued to

PRESTON C and SHAUNA L HENRY
19150 S W CHRISTENSEN
MCMINNVILLE, OREGON 97128

confirms the right to store water perfected under the terms of the permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-74735

PERMIT NUMBER: R-12237

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF SOUTH YAMHILL RIVER

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: WILDLIFE AND WETLAND HABITAT

MAXIMUM STORAGE VOLUME: 3.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1
THROUGH APRIL 30 OF EACH YEAR

DATE OF PRIORITY: OCTOBER 24, 1994

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED GROUNDLEVEL.

POND LOCATION: SE 1/4 SW 1/4, SECTION 28, T5S, R5W, 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 must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

R-74735.JKS

Certificate Number 81086

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4
SECTION 28
TOWNSHIP 5 SOUTH, RANGE 5 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 storage of water allowed herein is subject to the 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.

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

The total area to be submerged by the reservoir, when full shall be 1.0 acre; the maximum depth of water shall be 6.0 feet. There shall be no dam (pond is excavated).

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.

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.

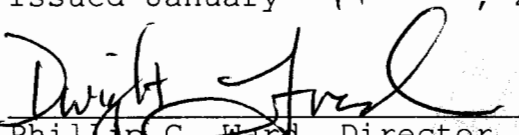
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

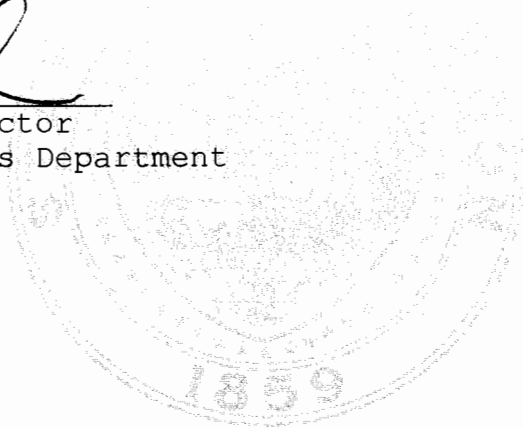
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

THIS CERTIFICATE IS ISSUED TO CORRECT A CLERICAL ERROR DISCOVERED BY THE DEPARTMENT AND SUPERSEDES CERTIFICATE 81033 ISSUED DECEMBER 30, 2004. THIS CERTIFICATE IS ISSUED TO CORRECTLY IDENTIFY THIS DOCUMENT AS A CERTIFICATE OF WATER RIGHT.

Issued January 11, 2005


Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates numbered 81086