

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This certificate issued to

JOHN E LOONEY
17979 NE LEWIS ROGERS LN
NEWBERG, OREGON 97132

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-84504

PERMIT NUMBER: R-13038

SOURCE OF WATER: A SPRING, A TRIBUTARY OF CHEHALEM CREEK

STORAGE FACILITY: RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH AND RECREATION

MAXIMUM STORAGE VOLUME: 4.7 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: AUGUST 14, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 10.00 FEET.

DAM LOCATION: NW 1/4 NW 1/4, SECTION 4, T3S, R3W, 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-84504.JKS

Certificate Number 81120

THE AREA SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NW 1/4 NW 1/4
SECTION 4
TOWNSHIP 3 SOUTH, RANGE 3 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.

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.

The water user shall consult with the Oregon Department of Fish and Wildlife on a planting plan of plants and shrubs around the edge of the pond.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The water user shall maintain, and operate fish screening to prevent fish from entering the proposed diversion. The water user shall also maintain a fishway at the obstruction that will provide adequate upstream and downstream passage for fish.

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.

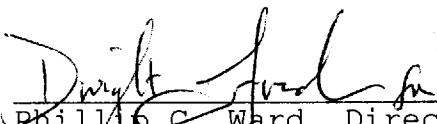
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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 the ownership of the water user.

Issued February 4 , 2005


Phillip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 81120.