

This is a final order in other than a 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.

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

DONALD AND GRACE NISSEN
4339 RICE VALLEY RD
OAKLAND, OR 97462

confirms the right to store the waters of A SPRING AND RUNOFF, TRIBUTARY OF CABIN CREEK IN FIVE RESERVOIRS for LIVESTOCK.

The right to store and use these waters was perfected under Reservoir Application R-74832. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 1.47 ACRE-FEET, BEING 0.11 AF IN RESERVOIR 1, 0.26 AF IN RESERVOIR 2, 0.39 AF IN RESERVOIR 3, 0.11 AF IN RESERVOIR 4, AND 0.60 AF IN RESERVOIR 5.

The reservoirs are located as follows:

RESERVOIRS 2 - 5

SW 1/4 NW 1/4

SECTION 29

RESERVOIR 1

SE 1/4 NE 1/4

SECTION 30

TOWNSHIP 23 SOUTH, RANGE 5 WEST, WM.

R-74832.LHN

Certificate Number 81393

ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife (ODFW). If the subject pond is in-channel and fish are present, the certificate holder is directed to contact the ODFW Fish Passage Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

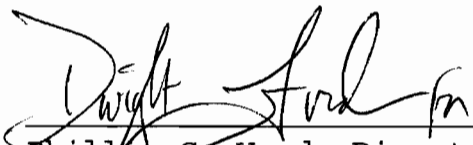
The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE LOCATION OF THE RESERVOIRS AND SUPERSEDES CERTIFICATE 81358.

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.

Issued JUNE 30, 2005.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81393.

R-74832.LHN