

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.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF PORTLAND, PARKS & RECREATION
6437 SE DIVISION STREET, B-416
PORTLAND, OR 97206

This Certificate confirms the right to use the waters perfected under the terms of the Permit 51944. 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 this right are listed below.

APPLICATION FILE NUMBER: 80118

PERMIT NUMBER: 51944

SOURCE OF WATER: UNNAMED STREAMS AND RESERVOIRS 1, 2, 3, AND 4 CONSTRUCTED UNDER PERMIT R-11635, TRIBUTARIES TO ASH CREEK AND FANNO CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 107.37 ACRES

MAXIMUM RATE ALLOWED: 1.34 CUBIC FEET PER SECOND AND 11.19 ACRE-FEET OF STORED WATER

PERIOD OF USE: MARCH 1 THROUGH APRIL 30 FROM LIVE FLOW AND MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER

DATE OF PRIORITY: MARCH 13, 1995

80118.RA

Certificate Number 81473

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

LAKE 1- SE 1/4 NW 1/4 SECTION 26; 1816 FEET SOUTH AND 470 FEET WEST FROM THE N 1/4 CORNER SECTION 26;
 LAKE 2- SW 1/4 NE 1/4 SECTION 26; 1959 FEET SOUTH AND 60 FEET EAST FROM THE N 1/4 CORNER SECTION 26;
 LAKE 3- SW 1/4 NE 1/4 SECTION 26; 2394 FEET SOUTH AND 544 FEET EAST FROM THE N 1/4 CORNER SECTION 26;
 LAKE 4- NW 1/4 SE 1/4 SECTION 26; 2668 FEET SOUTH AND 677 FEET EAST FROM THE N 1/4 CORNER SECTION 26; AND
 PUMP STATION- SE 1/4 NW 1/4 SECTION 26; 2041 FEET SOUTH AND 282 FEET WEST FROM THE N 1/4 CORNER SECTION 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 8.6 ACRES
 SECTION 23

NW 1/4 NE 1/4 26.17 ACRES
 SW 1/4 NE 1/4 21.64 ACRES
 NE 1/4 NW 1/4 26.01 ACRES
 SE 1/4 NW 1/4 23.83 ACRES
 NE 1/4 SW 1/4 0.62 ACRE
 NW 1/4 SE 1/4 0.50 ACRE

SECTION 26

TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
- 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.

C. 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.

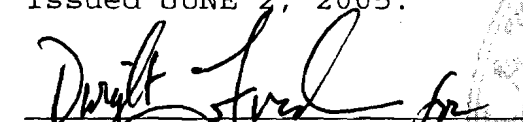
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

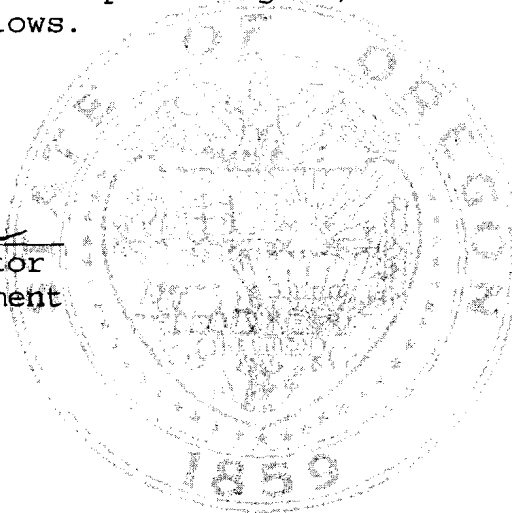
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued JUNE 2, 2005.


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81473.

80118.RA