

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 LAKE

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

COLAHAN ENTERPRISES INC
45190 HWY 31
PAISLEY, OREGON 97636

confirms the right to store the waters of UNNAMED STREAMS, TRIBUTARIES OF SUMMER LAKE, IN FIVE RESERVOIRS for LIVESTOCK.

The right to store and use these waters was perfected under Reservoir Application R-76082. 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 83.45 ACRE-FEET; BEING 23.4 AF IN RESERVOIR 1, 46.15 AF IN RESERVOIR 3, 7.8 AF IN RESERVOIR 4, 5.2 AF IN RESERVOIR 5, AND 0.9 AF IN RESERVOIR 7.

The reservoirs are located as follows:

RES 1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23, TOWNSHIP 32 SOUTH, RANGE 16 EAST, W.M.
RES 1 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 26, TOWNSHIP 32 SOUTH, RANGE 16 EAST, W.M.
RES 3 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 36, TOWNSHIP 32 SOUTH, RANGE 16 EAST, W.M.
RES 4 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, TOWNSHIP 32 SOUTH, RANGE 16 EAST, W.M.
RES 5 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, TOWNSHIP 32 SOUTH, RANGE 16 EAST, W.M.
RES 7 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 36, TOWNSHIP 32 SOUTH, RANGE 16 EAST, W.M.

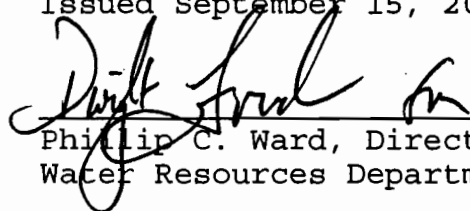
The storage of water in Reservoirs 1, 4, 5, and 7 allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

CONDITIONS FOR DAM 3:

1. The existing project works are defined and identified according to the approved as-constructed drawings on file with the Oregon Water Resources Dam Safety Program.
2. Colahan Enterprises, Inc. is named the party liable and responsible for the safe operation of the project works regarding the protection of downstream life and property against the consequences of failure or sudden release of water. Transfer, lease, or sale of the water right to any individual, corporation, municipality, or other association shall be cause for the new owner/operator to assume full liability and responsibility for the continued safe operation of the project works with regard to downstream life and property.
3. As directed by the Water Resources Dam Safety Program or when site conditions warrant, routine maintenance or repair of the dam and all appurtenant structures shall be performed by the owner/operator to include, but not limited to, the removal of woody vegetation or debris, restoration of areas of erosion or replacement of defective equipment necessary for the continued safe operation of the project works with regard to downstream life and property.
4. Except for routine maintenance and repair, neither the existing dam or reservoir shall be enlarged, modified or altered without review of the design and the prior written approval by the Director of the Water Resources Department of the Director's authorized representative.

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

Issued September 15, 2005.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81486.

R-76082.LHN