

DC

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 DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM WRIGHT HOUCK
3150 W. SCHUBERT
CHICAGO, IL 60647

This Certificate confirms the right to use the waters 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 this right are listed below.

APPLICATION FILE NUMBER: R-84763

PERMIT NUMBER: R-13524

SOURCE OF WATER: SPRINGS WITHIN THE RESERVOIR, TRIBUTARY OF AN
UNNAMED TRIBUTARY OF TUMALO CREEK

STORAGE FACILITY: TUMALO LAKE

PURPOSE OF THE STORED WATER: RECREATION, WILDLIFE, AND WETLAND
ENHANCEMENT

MAXIMUM STORAGE VOLUME: 77.5 ACRE FEET

R-84763.RA

Certificate Number 81583

WATER MAY BE APPROPRIATED FOR STORAGE YEAR ROUND

DATE OF PRIORITY: MAY 29, 2001

DAM LOCATION: NE 1/4 NW 1/4, SECTION 16, TOWNSHIP 18 SOUTH, RANGE 10 EAST, W.M.; 230 FEET SOUTH 990 FEET WEST FROM THE N 1/4 CORNER, SECTION 16.

THE RESERVOIR IS LOCATED AS FOLLOWS:

S ½ SW 1/4
SECTION 9

N ½ NW 1/4
SECTION 16
TOWNSHIP 18 SOUTH, RANGE 10 EAST, 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.

If fish are stocked into the reservoir, then the outlet must be double screened with a small enough mesh size to prevent juvenile fish from escaping.

Reservoir Level Condition:

From November 1, through March 30 of each year, the reservoir may be maintained at any level.

From April 1, to April 30, of each year, boards may not be higher than 19.2 inches above the reference point.

From May 1, to May 31, of each year, boards may not be higher than 15.8 inches above the reference point.

From June 1, to June 30, of each year, boards may not be higher than 11.7 inches above the reference point.

From July 1, to July 31, of each year, boards may not be higher than 6.3 inches above the reference point.

From August 1, to August 31, of each year, boards may not be higher than 2.6 inches above the reference point.

From September 1, to October 31, of each year, boards may not be higher than 0.7 inches above the reference point.

The reference point will be the bottom of the 24 inch spill culvert located in the dam.

If the culvert, boards or control structure is modified, a replacement structure must be operated in such a manner as to achieve an equivalent result. The water user should contact the watermaster to make sure that any improvements or maintenance on the control structure will achieve an equivalent draw down schedule.

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.

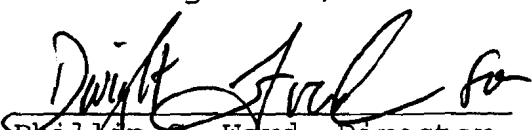
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 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 August 12, 2005.


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81583.

R-84763.RA